

John Winram c.1492-1582  
A study of his life and his role in the  
pre and post-Reformation Scottish Church

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*Winram of 1576*



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## Abstract

This thesis considers the life of John Winram [c.1492-1582] who was one of Scotland's leading ecclesiastics in both the pre-Reformation and post-Reformation Churches.

It begins with Winram's early career in St Andrews' priory, where he became subprior in 1535. A radical re-evaluation of events in St Andrews in 1546-47 reveals the subprior's efforts to introduce fundamental religious reform within the burgh while remaining within the Catholic Church. The impact that this had on John Knox, and the resulting dramatic upsurge in reform-minded clergy entering into the priory in the 1550s is uncovered. (Detailed information of the size and membership of the priory in the sixteenth century and a *Fasti* tracing subsequent careers within the Reformed Church is given in an appendix.) In 1559 Winram publicly sided with the Protestant Lords of the Congregation and helped compose the *Scottish Confession of Faith* and *First Book of Discipline*. In 1561 he was appointed Superintendent of Fife.

Winram's official activities within the Reformed Church are examined in depth. The theory of superintendency, as outlined in the *First Book of Discipline* and continually refined by the General Assembly, is discussed, as are the practical outworkings of this office. The activities of Winram's synod and his court, and the interactions between the two, are investigated. An unpublished transcript of acts from the Synod of Fife provides important new evidence both on the workings of synods and of their close links with the superintendents' courts, with a detailed break-down of charges raised in Winram's superintendent's court being provided in an appendix. Having examined the superintendent's handling of presentations to parishes within his district, attention is focused on the Assembly's oversight of its superintendents in general, and of Winram in particular. Finally, Winram's gradual withdrawal from superintendency is recorded.

Winram retained an active involvement in the priory and major events after 1560 are discussed. A second life-long connection was with the university and his academic career, from his earliest student days to his death, is traced.

In conclusion, attention is turned towards the more private and personal side of John Winram. The superintendent's paternal relationship towards his prior, Lord James Stewart, and his wife and children is investigated. Winram's own family ties are also examined - those with his blood kin, especially his cousin, Robert Winram, Collector of the Thirds of Benefices in Fife, and his nephew, John Winram younger; and those with his marital kin - his wife, Margaret Stewart, and her two sons. The deterioration of Winram's relationship with his step-sons is explored through legal disputes which arose over Margaret Stewart's will.

Winram's public *volte-face* in 1559, and the lack of challenge to it at the time, has led some historians to accuse him of duplicity. This thesis presents a radically different understanding of the man. It also provides a fundamental reassessment of the role of superintendents and how they, through their courts and their synods, linked the parishes of Scotland to the General Assembly.



## Declaration

This thesis has been composed by me and is founded upon my own research. No part of it has been submitted for any other degree or professional qualification. All quotations have been distinguished and the sources of information acknowledged.

## Acknowledgements

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## Conventions and Abbreviations

The spelling in all quotations are given as in the original sources. The characters 'thorn' and 'yogh' have been transcribed as 'y' and 'z' respectively. The letters 'i'; 'j'; 'u'; 'v' and 'w' have been retained as in the original. Capital letters and minimal punctuation have been inserted and all abbreviations and contractions have been silently expanded. Within the text personal and place names have been modernised. Dates which fall between 1 January and 24 March are given as, for example, January 1559/60 to indicate both the original Old Style dating, and the New Style equivalent. All sums of money are given in £s Scots.

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Laing, 'An account of the Scottish Psalter'	D. Laing, 'An account of the Scottish Psalter of AD 1566, Containing the psalms, canticles and hymns, set to music in four parts, in the manuscripts of Thomas Wode or Wood Vicar of Sanctandros' in <i>Proceedings of the Society of Antiquaries of Scotland</i> , VII, ii, 1867-1868, 445-458.
<i>Law Dictionary</i>	<i>Mozley &amp; Whiteley's Law Dictionary</i> (11th edition) ed., E.R.H. Ivamy, London, 1993
<i>Law, The Catechism of John Hamilton</i>	T.G. Law ed., <i>The Catechism of John Hamilton Archbishop of St Andrews, 1552</i> , Oxford, 1884
<i>Lawson, Life of Patrick Hamilton</i>	J. Lawson, <i>Life of Patrick Hamilton</i> , Edinburgh, 1828
<i>Lee, James Stewart</i>	M. Lee, <i>James Stewart, Earl of Moray</i> , New York, 1953
<i>Letters and Papers F&amp;D., Henry VIII</i>	<i>Letters and Papers Foreign and Domestic, of the reign of Henry VIII ...</i> , London, 1862-1910, 1929-1932
<i>Lord Herries' Memoirs</i>	R. Pitcairn ed., <i>Historical Memoirs of the reign of Mary, Queen of Scots ... by Lord Herries</i> , (Abbotsford Club) Edinburgh, 1836
<i>Lorimer, Patrick Hamilton</i>	P. Lorimer, <i>Patrick Hamilton, the first preacher and martyr of the Scottish Reformation</i> , Edinburgh, 1857
<i>Lynch, Scotland</i>	M. Lynch, <i>Scotland: A New History</i> , London, 1991.
<i>Lyon, Ancient Monuments</i>	C. Lyon, <i>Ancient Monuments of St Andrews</i> , Edinburgh, 1838
<i>Maitland Misc.</i>	<i>Miscellany of the Maitland Club</i> , (Maitland Club) 1833-1847

Martine, <i>Reliquiae</i>	George Martine, <i>Reliquiae Divi Andreae</i> , St Andrews, 1797
Mary of Lorraine Corresp.	A.I. Cameron ed., <i>The Scottish Correspondence of Mary of Lorraine</i> , (Scottish History Society) Edinburgh, 1927
Maxwell, John Knox's Service Book	W.D. Maxwell, <i>John Knox's Genevan Service Book 1556, The Liturgical Portions of the Genevan Service Book</i> , Edinburgh, 1931
McCrie, <i>Life of Knox</i>	T. McCrie, <i>Life of John Knox</i> , Edinburgh, 1850
McNeill, 'Alexander Alesius'	J.T. McNeill, 'Alexander Alesius, Scottish Lutheran (1500-1565)' in <i>Archiv für Reformationsgeschichte</i> , vol. 55, 1964, 161-191
McRoberts, 'Material Destruction'	D. McRoberts, 'Material Destruction Caused by the Scottish Reformation' in D. McRoberts ed., <i>Essays on the Scottish Reformation, 1513-1625</i> , Glasgow, 1962, 415-462
McRoberts, 'The Glorious House'	D. McRoberts, 'The Glorious House of St Andrews' in D. McRoberts ed., <i>The Medieval Church of St Andrews</i> , Glasgow, 1976, 63-120
McRoberts, <i>Essays</i>	D. McRoberts, ed., <i>Essays on the Scottish Reformation, 1513-1625</i> , Glasgow, 1962
McRoberts, <i>Medieval Church</i>	D. McRoberts ed., <i>The Medieval Church of St Andrews</i> , Glasgow, 1976
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Mullan, <i>Episcopacy</i>	D.G. Mullan, <i>Episcopacy in Scotland: The history of an idea, 1560-1638</i> , Edinburgh, 1986
Musick Fyne	D.J. Ross, <i>Musick Fyne: Robert Carver and the Art of Music in Sixteenth-Century Scotland</i> , Edinburgh, 1993
NLS	National Library of Scotland
NRA(S) 217	Moray Muniments, National Register of Archives (Scotland), Collection 217
<i>Oxford Encyclopaedia of the Reformation</i>	H.J. Hillerbrand (editor in chief), <i>The Oxford Encyclopaedia of the Reformation</i> , 4 vols, Oxford, 1996
<i>Papal Negotiations</i>	J.H. Pollen, ed., <i>Papal Negotiations with Mary Queen of Scots during her reign in Scotland, 1561-1567</i> , (Scottish History Society) Edinburgh, 1901
Patrick, <i>Statutes</i>	D. Patrick ed., <i>Statutes of the Scottish Church, 1225-1559</i> , (Scottish History Society) Edinburgh, 1907
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Pitscottie, <i>Historie</i>	R. Lindesay of Pitscottie, <i>The Historie and Cronicles of Scotland ...</i> , (Scottish Text Society) Edinburgh, 1899-1911
RCHMS	Royal Commission on the Historical Monuments of Scotland
<i>Red Book of Grandtully</i>	W. Fraser ed., <i>The Red Book of Grandtully</i> , Edinburgh, 1868
<i>Red Book of Menteith</i>	W. Fraser ed., <i>The Red Book of Menteith</i> , Edinburgh, 1880
<i>Reg. Hon. de Morton</i>	<i>Registrum Honoris de Morton</i> , (Bannatyne Club) Edinburgh, 1853

<i>Reg. of Min.</i>	<i>Register of Ministers Exhorters and Readers, and of their stipends after the period of the Reformation</i> , (Maitland Club) Edinburgh, 1830
<i>Reg. Privy Council</i>	J.H. Burton <i>et al.</i> , eds, <i>The Register of the Privy Council of Scotland</i> , Edinburgh, 1877-1970
<i>RMS</i>	J.M. Thomson <i>et al.</i> , eds, <i>Registrum Magni Sigilii Regum Scotorum</i> , Edinburgh, 1882-1914
<i>Rogers, Estimate</i>	C. Rogers ed., <i>Estimate of the Scottish Nobility during the minority of James VI</i> , (Grampian Club) London, 1873
<i>Row, History</i>	D. Laing, ed., <i>History of the Kirk of Scotland from the year 1558 to August 1637 by John Row ...</i> , (Wodrow Society) Edinburgh, 1842
<i>RSCHS</i>	<i>Records of the Scottish Church History Society</i>
<i>RSS</i>	M. Livingstone <i>et al.</i> , eds, <i>Registrum Secreti Sigilii Regum Scotorum</i> , Edinburgh, 1908-
<i>RStAKS</i>	D.H. Fleming ed., <i>Register of the Minister Elders and Deacons of the Christian Congregation of St Andrews ... 1559-1600</i> , (Scottish History Society) Edinburgh, 1889-1890
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<i>Sanderson, Ayrshire and the Reformation</i>	M.H.B. Sanderson, <i>Ayrshire and the Reformation: People and Change, 1490-1600</i> , East Linton, 1997
<i>Sanderson, Cardinal of Scotland</i>	M.H.B. Sanderson, <i>Cardinal of Scotland: David Beaton c1494-1546</i> , Edinburgh, 1986
<i>SBD</i>	J. Kirk ed., <i>The Second Book of Discipline</i> , Edinburgh, 1980
<i>Scots Confession</i>	G.D. Henderson and J. Bulloch eds, <i>The Scots Confession 1560</i> , Edinburgh, 1960
<i>Scots Peerage</i>	J.B. Paul, ed., <i>The Scots Peerage</i> , Edinburgh, 1904-1914
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<i>Scott, History</i>	J. Scott, <i>History of the Lives of the Protestant Reformers of Scotland</i> , Edinburgh, 1810
<i>Scottish Legal Terms</i>	A.D. Gibb, <i>Students' Glossary of Scottish Legal Terms</i> , Edinburgh, 1946
<i>Scottish Psalmody</i>	M. Patrick, <i>Four Centuries of Scottish Psalmody</i> , Oxford, 1949
<i>Shaw, The General Assemblies</i>	D. Shaw, <i>The General Assemblies of the Church of Scotland 1560-1600</i> , Edinburgh, 1964
<i>SHS</i>	Scottish History Society
<i>Song, Dance and Poetry</i>	H.M. Shire, <i>Song, Dance and Poetry of the Court of Scotland under King James VI</i> , Cambridge, 1969
<i>SRO</i>	Scottish Record Office
<i>St A. Acta</i>	A.I. Dunlop ed., <i>Acta Facultatis Artium Universitatis Sanctiandree</i> , Edinburgh, 1964



St A. Form.	G. Donaldson and C. Macrae eds, <i>St Andrews Formulare 1514-1546</i> , (Stair Society) 1942-1944
St A. Muniments	St Andrews' University Muniments
St A. Recs.	J.M. Anderson ed., <i>Early Records of the University of St Andrews</i> , (Scottish History Society) Edinburgh, 1926
St A. Rent.	R.K. Hannay ed., <i>Rentale Sancti Andree</i> , (Scottish History Society) Edinburgh, 1913
StA MS 30451	St Andrews' University Muniments MS 30451, undated.
Stirling Presbytery Records	J. Kirk, ed., <i>Stirling Presbytery Records, 1581-1587</i> , (Scottish History Society) Edinburgh, 1981
Stodart, Scottish Arms	R.R. Stodart, <i>Scottish Arms, being a collection of armorial bearings AD 1370-1678</i> , Edinburgh, 1881
The Forme	<i>The Forme of Prayers and Ministration of the Sacraments, &amp;c. Used in the Englishe Congregation at Geneva</i> , Geneva, 1556.
The Forme and Ordour'	'Form and Order of Election of the Superintendents, quhilk may serve also in Electioun of all uther Ministers', Knox, <i>Works</i> , II, 144-150
Thirde of Benefices	G. Donaldson, ed., <i>Accounts of the Collectors of Thirde of Benefices, 1561-1572</i> , (Scottish History Society) Edinburgh, 1949
Treasurer Accts.	T. Dickson and Sir J. Balfour Paul eds, <i>Accounts of the Lord High Treasurer of Scotland</i> , Edinburgh, 1877-1916
Verschuur, 'Perth and the Reformation'	M.B. Verschuur, 'Perth and the Reformation Society and Reform: 1540-1560', unpublished PhD thesis, Glasgow University, 1985
Visitation of Dunblane	J. Kirk, ed., <i>Visitation of the Diocese of Dunblane and other churches, 1586-1589</i> , (Scottish Record Society) Edinburgh, 1984
Watt, Fasti	D.E.R. Watt, <i>Fasti Ecclesiae Scoticanæ Medii Aevi ad annum 1638</i> , (Scottish Record Society) Edinburgh, 1969
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Wodrow, Collections	R. Wodrow, <i>Collections upon the Lives of the Reformers and most Eminent Ministers of the Church of Scotland</i> , Glasgow, 1834
Wodrow Misc.	D. Laing, ed., <i>Miscellany of the Wodrow Society</i> , Edinburgh, 1844
Wodrow Misc., 'Register'	'Register of Ministers and Readers in the Kirk of Scotland ... 1574' in D. Laing, ed., <i>Miscellany of the Wodrow Society</i> , Edinburgh, 1844, 319-396
Wormald, Court, Kirk and Community	J. Wormald, <i>Court, Kirk and Community: Scotland 1470-1625</i> , Edinburgh, 1981
Yellowlees, 'Dunkeld and the Reformation'	M.J. Yellowlees, 'Dunkeld and the Reformation', unpublished PhD thesis, Edinburgh University, 1990
Young, 'The Common Band'	J. Young, 'The "Common," or, "Godlie Band" of 1557' in J.A. Wylie ed., <i>Ter-Centenary of the Scottish Reformation</i> , Edinburgh, 1860, 44-54

## Introduction

John Winram's life spanned almost the whole of the sixteenth century. As such, he lived through the years of religious change before, during and after the momentous events of 1559-1560. Any study of Winram, then, must be seen in the context of the Scottish Reformation. Gordon Donaldson's seminal book, *The Scottish Reformation*,<sup>1</sup> marked an important shift away from the view that the Scottish Reformation expressed rejection of corrupt and bankrupt Roman Catholicism by the Scottish people as a whole. Subsequent studies, such as Ian Cowan's,<sup>2</sup> highlighted the diversity of regional experiences and emphasised the need to become familiar with local diversity in order to appreciate fully the bigger picture.

In spite of increasing numbers of local and regional studies of Scotland's religious experience in the sixteenth century few have appeared in book form. Since Michael Lynch's *Edinburgh and the Reformation*<sup>3</sup> only two other books - one on Angus and the Mearns,<sup>4</sup> and one on Ayrshire<sup>5</sup> - have been published. The results of other regional studies, many of which began life as doctoral theses, have been published in articles.<sup>6</sup> Margaret Sanderson has noted that these studies are important

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<sup>1</sup> Gordon Donaldson, *The Scottish Reformation*, Cambridge, 1960.

<sup>2</sup> Ian Cowan, *The Scottish Reformation: Church and Society in sixteenth-century Scotland*, London, 1982.

<sup>3</sup> Michael Lynch, *Edinburgh and the Reformation*, Edinburgh, 1981.

<sup>4</sup> Frank Bardgett, *Scotland Reformed: The Reformation in Angus and the Mearns*, Edinburgh, 1989.

<sup>5</sup> Margaret Sanderson, *Ayrshire and the Reformation: People and Change 1490-1600*, East Linton, 1997.

<sup>6</sup> For a valuable listing of works published to 1987 see James Kirk, 'The Scottish Reformation and the Reign of James VI: A Select Critical Biography', in *RSCHS*, vol. 23, 113-155.

because they reveal the diversity of experience and expression during the reformation of religion in sixteenth-century Scotland. More importantly, the detail provided by these studies has helped to undermine the conventional view of an entire people suddenly turning away from the decay and darkness of the Old Church to the vitality and light of the New. In short, moving away from accounts of the Reformation that present a uniform, national movement to a patchwork of regional patterns has contributed to a greater understanding both of the Old Church and of the New Kirk's struggle to survive in its infancy.<sup>7</sup>

Benefits can likewise arise by breaking away from Reformation history that features John Knox alone as the principal character of the drama. The works and letters of Knox that have survived are far more numerous than are those of his contemporaries. This is partly why, in the past, biographical studies in Scottish Reformation history have been dominated by Knox. Indeed, Knox was often given sole credit for the actions and achievements of the Reformed Kirk when he was in fact one participant among a group (for example, in the writing of the Scots Confession or the *First Book of Discipline*). Attributing superhuman achievements to Knox is more the fault of historians than of Knox's portrayal of himself in his *History*.<sup>8</sup>

This is not to say that Knox's contemporaries have been totally ignored. There are some important sixteenth-century Scotsmen about whom we know a great deal. Some such as Cardinal David Beaton, George Buchanan, Patrick Hamilton, Sir David Lindsay of the Mount and Lord James Stewart each have the distinction of

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<sup>7</sup> Sanderson, *Ayrshire and the Reformation*, viii.

<sup>8</sup> Knox, *Works*, I-II.

being the subject of an extensive biography.<sup>9</sup> But none of these men was principally renowned as reforming ecclesiastics. It remains true that John Knox still occupies centre-stage in Scottish Reformation historiography. This distorts the reality and diminishes the efforts and contributions of his contemporaries. A better balance still needs to be struck by shifting the spotlight onto other players as yet not well-known. By expanding the cast of characters, giving them speaking parts and allowing their stories to be heard our understanding of the Reformation drama as a whole can be enriched.

This study of John Winram will examine his private and public life before and after the Reformation of 1560. Winram was subprior of St Andrews' Augustinian priory and superintendent of Fife. His actions and activities directly affected a specific region and examining the man allows us to focus on the region too. The survival of primary sources only permits this to be fully investigated for the years after 1560 and a regional picture of the Reformation in action can be drawn from a study of Winram's work as superintendent of Fife. In turn, this can provide insight into how superintendents in general served the Reformed Kirk in the years immediately after 1560. Moreover, it can throw light on how superintendency developed from the exposition in the *First Book of Discipline*. An examination of John Winram is useful not just as biography but also as a regional study.

Winram has long been thought worthy of study. The poet John Johnston (c.1565-1611) considered him deserving of praise and so wrote about him in one of

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<sup>9</sup> A biography of Archibald Campbell, 5th Earl of Argyll, is soon to be published by J.E.A. Dawson. Other people have been the subject of small scale studies in valuable articles. Kirk, 'A Select Critical Biography', 140-143.

his many poems about Scottish heroes.<sup>10</sup> Later, Robert Wodrow (1675-1734), minister, historian and antiquary, included Winram among his biographical sketches of principal reformers of the Church of Scotland. (Wodrow's study was augmented in the nineteenth century by the editor of the original manuscript while preparing it for publication by the Maitland Club).<sup>11</sup> The only subsequent, extensive biography was by Kirkwood Hewat and published in 1920.<sup>12</sup> It relied heavily upon Wodrow plus scraps of information drawn from printed primary material, such as early Scottish Reformation histories and official church or state papers. The time is ripe for a new, detailed look at John Winram.

Winram's importance lies in two key areas where his involvement was crucial. First, in the Catholic Church in the decades before the Reformation; and second, in the Reformed Church immediately after 1560. As subprior of St Andrews' Augustinian Priory (1535-1582) - Scotland's richest and most influential religious house - Winram was deeply involved, at the highest level, in attempts to achieve Catholic reform. He participated in controversial and well-publicised heresy trials in 1540, 1546, 1550 and 1558 and in the Reforming Councils of 1549, 1552 and 1559. But shortly after the 1559 Council he sided with the Lords of the Congregation. He moved, apparently effortlessly, into the new Kirk and quickly made his mark assisting with the writing of the Scots Confession and the *First Book of Discipline*. In 1561 he was appointed superintendent of Fife - one of only five such appointments made - in which office he served the Church for over fifteen years. In other words,

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<sup>10</sup> See below page 26.

<sup>11</sup> Wodrow, *Collections*, I, 119-130, 453-471.

<sup>12</sup> Hewat, *Makers*, 166-222.



Winram was a key player in the transition from the Catholic Church to the Reformed Kirk. Like Knox and other reformers, he stands at the intersection between two worlds. He is an important illustration of the continuity of personnel between the Old Church and the New. His prominence and contribution during this critical period demand investigation.

Most modern historians have been content to acknowledge Winram's importance with passing references, but little more. Accounts of Winram's career before the Reformation have for the most part focused only on his participation in heresy trials and in the Reforming Councils. Consequently, his life up to and including 1559 has often been viewed as in direct contradiction with his life after 1560 and his enthusiastic work within the Reformed Kirk. Some scholars have treated Winram's *volte face* as sheer opportunism. John Johnston, for example, confessed himself puzzled by Winram's change from Catholic to Reformer, unable to reconcile himself to this change given Winram's apparently convinced, and convincing, Catholicism.<sup>13</sup> Hewat was blunter and commented that Winram "may appear to some to have been endeavouring for an inordinate length of time to find out which was the safe side of the burning bush".<sup>14</sup> Such characterisations, however, are the result of somewhat limited - and partial - use of available sources.

Similarly, accounts of Winram's career after 1560 have also been based on rather limited research. Most attention has been given to his role as superintendent of Fife.<sup>15</sup> Evidence about his public activities in this office has been used to provide

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<sup>13</sup> See below page 26.

<sup>14</sup> Hewat, *Makers*, 180.

<sup>15</sup> Valuable studies into the office of the Scottish superintendents are given in Cameron, 'The office of Superintendent' and Kirk, *Patterns*, ch. 5. See too Bodonhelyi, 'John Knox's Superintendents'.

illustrations of general points about superintendency in the Reformed Kirk. Sometimes such evidence has been used to suggest that superintendency was episcopacy in fact if not in name.<sup>16</sup> However, the substantial record from his superintendent's court has not been used to broaden our understanding of Winram. Nor have the minutes of the General Assembly which make numerous references to him been employed. Graham's study of both these sources in *Uses of Reform* (1996) is inadequate due to his idiosyncratic use of the court records and basic errors concerning Winram's period of office as Superintendent of Fife.<sup>17</sup>

The attention given to Winram's public duties as a superintendent has been at the expense of examination of his activities in St Andrews' priory and university, and of his private life. This is partly because primary source material covering the General Assembly and Winram's superintendent's court is readily accessible. But it is not so easy to go beyond these official records because other evidence upon which to base a broader portrayal of Winram exists only in a variety of scattered sources which are difficult to access. In this study, in addition to the well-known records, primary source material discovered in the course of research is used for the first time. Winram's private life as well as his public life is closely examined because the study of each illuminates and enhances our understanding of the other.

Although Winram left no collection of personal papers a surprising amount of material relating to his life exists in material principally connected to Winram's associates. One notable source is the Moray muniments still in private hands. From

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<sup>16</sup> For example, Donaldson, *Scottish Reformation*, chapter 5; Mullan, *Episcopacy*, chapter 2.

<sup>17</sup> Graham, *Uses of Reform*. For a brief summary of these problems see J.E.A. Dawson's review in *Albion*, 29(4), Winter 1997, 730-732.

this collection a number of important documents and papers of Winram's prior, Lord James Stewart, shed light on Winram's relationship both with Lord James and Annas Keith, the prior's wife. Similarly, the Morton Muniments, papers relating to Lord James Stewart's maternal family, the Douglasses of Lochleven, have also revealed a rich seam of material. As prior of St Serf's Inch (in Lochleven), Winram had many dealings with the Douglasses.

A great deal of information about Winram's personal life has also been gleaned from the protocol-books of notaries public in Fife. These records have been a valuable supplement to the records of the Commissary Courts of St Andrews and of Edinburgh and the records of the Court of Session. Evidence from these sources reveals the complicated relationships which Winram had with members of his extended family, especially his step-sons. A number of useful pieces of information about Winram have also been gathered from a variety of standard primary sources and records such as the *Treasurer's Accounts*, the records of the Privy Council, local burgh records, and Great and Privy Seals.

Although a considerable amount of material relating to Winram's personal life has been discovered in the course of research, whole areas of his life remain obscure because of a lack of primary sources. Almost nothing is known about his relationship with his wife or about his inner religious thoughts and feelings. There are curious gaps, too, in our knowledge of Winram's public life and works. There are no extant diocesan records for the period under investigation. Most frustratingly, no copy of Winram's vernacular catechism has survived, his only known written work. There are no sermons either, only an account of one recorded by John Knox which Winram preached at the trial of George Wishart in 1546. And the Books of Visitation

compiled during Winram's years as a superintendent are also lost. Nevertheless, Winram's public life (especially after 1560) is better documented than his private life.

Careful indexing of St Andrews' University's muniments collections by Robert Smart enabled a survey of all the records to be undertaken. This has yielded important documents which help to illuminate Winram's role within the University. Items which proved to be especially useful included the charters and account books of St Leonard's College, and the records of the Rector's Court. The St Andrews' Muniments have also been a rich source of information about the members of the priory chapter.

The records from Winram's superintendent's court, preserved in the register of the Kirk Session of St Andrews, are the only extensive records remaining from such courts and have also been invaluable. In addition, a recently discovered manuscript from the Synod of Fife has provided important insights into the workings of an ecclesiastical district court in the first decade of the Reformed Church. General Assembly records contain important information about how Winram's actions and activities as a superintendent were judged by his peers. Indeed, there are more references to Winram's trials before the Assembly than to the trials of any of his fellow superintendents. In seeking to look beyond Winram's judicial activities as superintendent, a survey of his examinations of incumbents prior to admission to benefices has been attempted. References to many of these examinations survive in the records of the Privy Seal. By mapping Winram's superintendent's visitations and his admissions of incumbents to parishes, an extensive picture of how the Reformed Kirk exercised its jurisdiction in the region of Fife has emerged.

In combining this regional evidence with individual records preserved in, for example, the register of St Andrews' Priory, the Commissary Courts of St Andrews and of Edinburgh, the Court of Session and the Privy Council records it has been possible to present a detailed picture of how Winram in particular, and superintendents in general, assisted the Reformed Kirk in serving and building up a nation-wide network of communication, discipline and ecclesiastical personnel linking the General Assembly to the parishes.

John Winram began his life committed to service in the Roman Catholic Church. He ended it committed to service in the new Reformed Church. This study attempts to uncover the steps which he took on his journey. It seeks to present a different Winram from the hypocrite and opportunist who has hitherto been described.<sup>18</sup> For Winram, as for many of his fellow canons, the Reformation crisis of 1560 was indeed a turning point; but it marked not a sharp, sudden shift of religious conviction and direction, rather it was a crucial stage in a quest for change that had begun years before.

Furthermore, through a detailed consideration of Winram's life and work an attempt has been made to show how ecclesiastical discipline was established in Fife in the years after 1560. From this regional picture emerges a reassessment of the role of superintendents generally in the fledgling Kirk. These men, working with their courts and with their synods, forged the links between the General Assembly and the parishes that were vital in establishing the structures and procedures that enabled the Kirk to be effective early on at local and regional levels.

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<sup>18</sup> For example see the brief biography given in McRoberts, *Essays*, xix-xx.

## PART I

### BEFORE THE REFORMATION



# Chapter 1

## St Andrews' Priory Before 1560

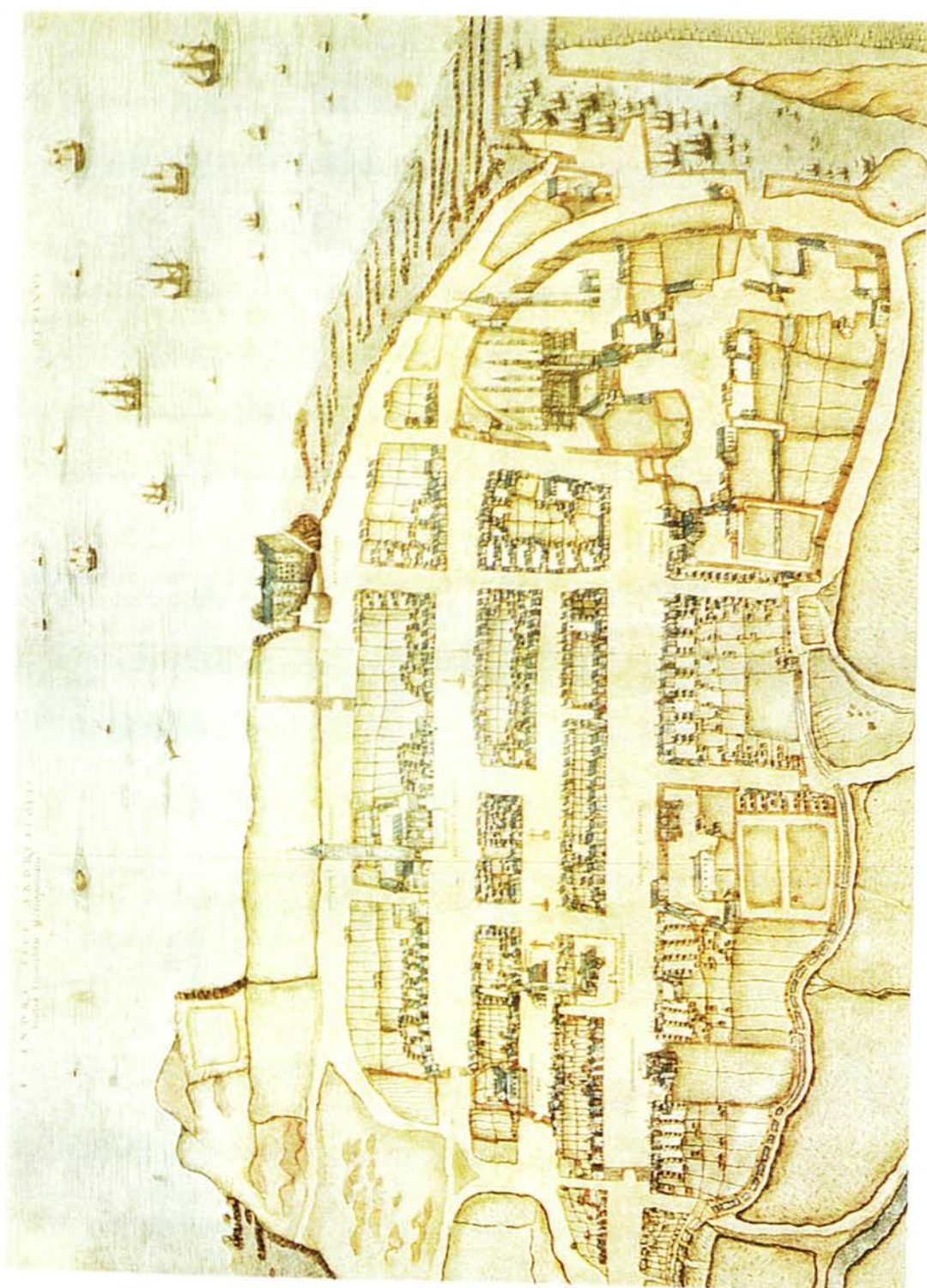
### I

#### *Subprior of St Andrews*

A “Bird’s Eye View” plan of St Andrews (c.1580) illustrates the variety of functions which the town served in the sixteenth century.<sup>1</sup> (Map 1) The physical dominance of the Augustinian cathedral and the priory precinct, together with the archbishop’s castle and the Dominican and Franciscan friaries indicate the town’s ecclesiastical significance. Its educational importance is suggested by the plan’s subtitle, *Scotiae Universitas Metropolitana*, and by the careful labelling of the university colleges. The commercial role of the burgh is evident from the harbour and its trading ships and the market square with its attendant tollbooth, market cross and tron.<sup>2</sup> St Andrews was one of the realm’s most vital and vibrant centres and it was here that John Winram spent most of his life. Coming first as a student to St Leonard’s College, Winram immersed himself in the activities of the town’s ecclesiastical, as well as its educational, establishments.

<sup>1</sup> NLS MS20996. This map is reproduced as an insert in McRoberts, *Medieval Church*.

<sup>2</sup> Brooks and Whittington, ‘Planning and growth’, 281, 284-285.



Map 1: St Andrews c.1580.

## From Canon to Subprior

John Winram was born c.1492,<sup>3</sup> the son of James Winram of Ratho and Margaret Wilkie.<sup>4</sup> The first notification of Winram is found in 1515-1516 when he is listed among the determinants of St Leonard's College who gained their Bachelor of Arts degrees at that time.<sup>5</sup> The College was founded in 1512 at the instigation of the then prior, John Hepburn, who hoped to revive the monastic ideal and to provide well-educated novices to bolster the number of canons in the priory.<sup>6</sup> Winram entered St Leonard's c.1512-1513 when aged about twenty, considerably older than the average age of fifteen years for entering university.<sup>7</sup> He was a gifted scholar, gaining his Master of Arts sometime before 1532, and completing his doctorate in theology early in 1541.<sup>8</sup>

The earliest record of Winram as a canon dates from May 1532, but he appears to have been a member of the priory from at least 1527.<sup>9</sup> It is probable that Winram joined the priory earlier still, during the priorship of John Hepburn (1483-

<sup>3</sup> Winram's tombstone records that he died in 1582 in his ninetieth year. See below, pages 274-275.

<sup>4</sup> See below, pages 252-254.

<sup>5</sup> *St A. Recs.*, 104, 211.

<sup>6</sup> Cant, *University of St Andrews*, 35; Herkless and Hannay, *St Leonard's*, 85-86.

<sup>7</sup> *St A. Recs.*, xxx, xxiv. The earliest available statutes for St Leonard's College are those as revised in 1544 which show 21 to be the maximum age of entry to the college. Herkless and Hannay, *St Leonard's*, 161.

<sup>8</sup> See below, pages 219-220.

<sup>9</sup> *St A. Muniments*, SL110.L2; SL110.L5. The date 1527 comes from the examination of a book belonging to Gilbert Winram who fled abroad with Patrick Hamilton in early 1527 (see below, pages 29-30). The binding of this volume bears the distinctive tooling and crucifixion scene believed to originate from the priory's own bindery. Scrap paper used during its binding bears the name of John Winram. That the priory's bindery had access to such scrap paper before 1527, assuming the volume was bound before Gilbert fled to the Continent, places Winram in the priory at this earlier date. (Even this shortened time gap of 15 years between Winram entering St Leonard's College and entering the priory seems unrealistically long). Aristotle, *Opera*, ed. Jacques Lefevre (Paris, 1501), St Andrews' University Typ.FP.B01.HF.

1526). In moving from St Leonard's College into the priory Winram epitomised what Hepburn had envisioned as the rejuvenating role of the college. In the thirty years to 1530 the prior's attempts to revitalise the chapter achieved some success. Although the numbers of new canons entering the priory remained steady, averaging eight new men per decade, the overall numbers within the chapter rose by five per decade, suggesting that those entering the priory were young men able to offer a long period of service. (Appendix 1)

Following his death in January 1526 John Hepburn was succeeded by his nephew, Patrick Hepburn, who had been provided as his coadjutor two years earlier.<sup>10</sup> The chapter were unhappy with the new prior who was sexually promiscuous and violent.<sup>11</sup> Within two years of his appointment the chapter formulated a complaint against him to King James V.<sup>12</sup> It seems that the complaint was never delivered. Patrick Hepburn continued as prior, promoting and demoting people within both the priory and the College of St Leonard as they fell in and out of favour with him.

The offices of thirdprior and subprior depended upon the prior's patronage. In the turbulent years following the martyrdom of Patrick Hamilton three subpriors have been recorded in office: James Weymes in March 1527/8;<sup>13</sup> Alexander Young

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<sup>10</sup> Dilworth, 'The Augustinian Chapter', 129. In 1524 John Hepburn, "being afflicted with age and weakness", petitioned Pope Clement VII to appoint Patrick as coadjutor and the bull was issued on 10 June 1524. *HMC*, 9th Report, part II, 191.

<sup>11</sup> The Register of the Great Seal of Scotland records letters of legitimisation for seven of his sons and three of his daughters. *RMS*, 3/1329; 3/3619; 4/460; 5/1454. His violence was noted by Alexander Alan (or Alesius), a canon of the priory, who described him as "both vehement and soon angry", and one who would "content for the basest of characters". Anderson, *Annals*, II, 447.

<sup>12</sup> c.1533-4, Alexander Alan to King James V, *James V Letters*, 260-261; Anderson, *Annals*, II, 448.

<sup>13</sup> St A. Muniments, UY305/1, fo 84.



between July 1532 and February 1534/5;<sup>14</sup> and John Winram from December 1535.<sup>15</sup> Neither Weymes nor Young died in office but were removed by Patrick Hepburn having, presumably, fallen from his favour.<sup>16</sup>

Alexander Young had risen from a canon regular to be the subprior within eighteen months.<sup>17</sup> His rapid rise was matched by his rapid downfall. Having held the post for little over two years he was demoted, not to thirdprior, but back to the ranks of canons regular, where he remained until his death some fifteen years later. John Winram's rise was also swift. From a canon regular in May 1532 he is recorded as thirdprior in July 1534 and February 1534/5,<sup>18</sup> and as subprior by December 1535. To achieve these promotions Winram must have given his prior no cause for disapproval. He avoided the fate of his two predecessors and remained as subprior until his death in 1582. The removal of Patrick Hepburn in 1538, to the bishopric of Moray and the abbacy of Scone *in commendam*, goes some way to explaining Winram's long period in office.<sup>19</sup>

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<sup>14</sup> July 1532, February 1532/3, May 1533; February 1533/4, July 1534, February 1534/5: *Exch. Rolls*, XVI, 156; St A. Muniments, UY305/1, fo 91; *Red Book of Grandtully*, 72; St A. Muniments, UY305/1, fo 100; NLS MS 13276, no. 3; St A. Muniments, UY305/1, fo 101.

<sup>15</sup> SRO RH6/1117.

<sup>16</sup> Documentation on Weymes continues to 1555, and on Young to c.1550.

<sup>17</sup> Young was recorded as a canon regular in January 1530/1, SRO B65/22/261. It is assumed that he held the post of thirdprior at some point between January 1530/1 and July 1532.

<sup>18</sup> NLS MS 13276, no. 3; St A. Muniments UY305/1, fo 101.

<sup>19</sup> Pope Paul III provided Patrick Hepburn to Moray and Scone on 14 June 1538, *James V Letters*, 348.

*Lord James Stewart*

The infant Lord James Stewart, bastard son of King James V and Margaret Erskine, daughter of John, 4th Lord Erskine, 5th Earl of Mar, replaced Hepburn as commendator prior of St Andrews. Lord James was born in 1531, one of many royal bastards. However, his mother seems to have been the King's favourite mistress.<sup>20</sup> The King even tried to marry Margaret by securing her divorce from Sir Robert Douglas of Lochleven on the grounds of consanguinity.<sup>21</sup> When the Pope refused an annulment the King turned to providing alternative honours and financial security for Lord James, and thereby indirectly for Margaret.<sup>22</sup>

In 1534 James V obtained dispensation from Pope Clement VII that his bastard sons would be eligible to enlist in "the spiritual army", despite the defects of their births. The Pope allowed the then two-year-old Lord James, and his three half-brothers, to receive, amongst other things, the tonsure when aged six and to be deemed capable of presiding over a Metropolitan or other cathedral when aged twenty-three.<sup>23</sup> Once Lord James attained the required six years of age stipulated in the Papal mandate the process of securing a clerical provision for him was initiated.

<sup>20</sup> The King's infatuation was such that he was seen running up and down the streets of Paris buying trinkets to send to Margaret, together with letters and tokens of his affection. 29 October 1536, John Penven to Sir George Douglas, *Letters and Papers F&D.*, Henry VIII, XI, 362-363.

<sup>21</sup> 25 April 1536, Lord W. Howard to King Henry VIII, *State Papers Vol. 5, Henry VIII*, Part iv, 39-41. The Scottish King petitioned the Pope for the annulment in April 1536, less than a month after James' marriage treaty with Mary de Bourbon had been drawn up (6 March 1535/6). 21 June 1536, Bishop of Faenza to Mons. Ambrogio, *State Papers Vol. 5, Henry VIII*, Part iv, 41 notes.

<sup>22</sup> 30 June 1536, Paul III to James V, *James V Letters*, 320. Margaret was later granted an annual state pension of £666 13s 4d, 21 September 1539, *Treasurer Accts.*, VII, 251.

<sup>23</sup> James the elder, son of Elizabeth Shaw of Sauchie, aged four; John, son of Elizabeth daughter of Lord Carmichael, aged two; Robert, son of Euphemia daughter of Lord Elphinstone, aged under one year. 30 August 1534, Clement VII to James V, *HMC*, 6th Report, 670.



The King believed the priory of St Andrews was “the first and most famous monastic house in Scotland”.<sup>24</sup> This was the benefice he intended for his son. In March 1537/8 a royal representative<sup>25</sup> was sent to Rome to secure the necessary Papal Bulls providing Patrick Hepburn to the bishopric of Moray and the abbacy of Scone *in commendam*, leaving St Andrews’ priory vacant for Lord James.<sup>26</sup> That Hepburn was furnished with a bishopric and a replacement commendatory abbacy on his demission of St Andrews reflects the value, both in terms of money and of esteem, of the benefice granted to Lord James. Through its land holdings and appropriated churches the priory’s influence spread far beyond Fife. By 1500 twenty-eight parish churches and two chapels, extending from Aberdeenshire to Haddingtonshire, were appropriated to the priory.<sup>27</sup> The appropriation of their benefices and teinds contributed to the priory’s wealth. Income from all sources was such that in 1524 the priory was reported to be “as amply endowed as the archiepiscopate”.<sup>28</sup>

In 1538, when in his seventh year, Lord James Stewart was admitted as commendator prior of St Andrews.<sup>29</sup> The *Accounts of the Lord High Treasurer* show

<sup>24</sup> 15 March 1533/4, James V to Clement VII, *James V Letters*, 259.

<sup>25</sup> James Strachan, canon of Aberdeen Cathedral and rector of St Andrews’ University. *St A. Recs.*, xix.

<sup>26</sup> 1 March 1537/8, James V to Benedict, Cardinal of Ravenna, *James V Letters*, 342; 1 March 1537/8, James V to Paul III, *James V Letters*, 342-343. The bishopric of Moray and the abbacy of Scone were both vacant by the death, on 19 December 1537, of their previous incumbent Alexander Stewart. Patrick Hepburn was given the gift of the temporality, land *etc.* of the bishopric and abbacy for one year on 28 March 1538, *RSS* 2/2493. Pope Paul III provided Hepburn to Moray and Scone on 14 June 1538, *James V Letters*, 348.

<sup>27</sup> Cowan, *Parishes of Medieval Scotland*, 224.

<sup>28</sup> 5 May 1524, Albany to Clement VII, *James V Letters*, 100-101.

<sup>29</sup> King James placed other bastard sons in monastic benefices. By 1541 the abbeys of Holyrood (1539), Kelso (1534) and Melrose (1541) and the priories of Coldingham (1541) together with St Andrews (1538) were all held *in commendam* by royal bastards.

that Lord James lived in St Andrews immediately after his appointment.<sup>30</sup> Winram, the forty-six year-old subprior, must have assumed something of a fatherly role to him and a strong friendship developed between them.<sup>31</sup> Lord James was too young to exercise his duties as commendator of the priory in his own right, but it was not until July 1539 that Alexander Mylne, abbot of Cambuskenneth, was appointed administrator for Lord James and the priory.<sup>32</sup> Although the administration, both temporal and spiritual, was passed to Mylne he spent little time in St Andrews because of his duties at Cambuskenneth, his activities at Court, and his commitments to the newly erected College of Justice.<sup>33</sup> The day-to-day running of the priory was almost certainly controlled by Winram, as it had been before Mylne's appointment. Winram also assisted Lord James in national affairs. Between 1546 and 1549, during the vacancy of the archbishopric, Winram served as co-vicar general with his prior.<sup>34</sup> Then fifteen, Lord James was still too young to fulfil the duties alone.

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<sup>30</sup> On several occasions furnishings and clothing were delivered to him in St Andrews. *Treasurer Accts.*, VII, 89, 130, 148, 163, 173, 188, 313. These expenses cover the period from September 1538 to June 1540.

<sup>31</sup> See below, pages 232-237.

<sup>32</sup> RSS 2/3097.

<sup>33</sup> 'Alexander Mylne' in *DSCHT*, 616. Mylne was also administrator for the abbey of Holyrood while its commendator, Robert Stewart - another royal bastard - was an infant. RSS 2/3096.

<sup>34</sup> Dilworth, 'The Augustinian Chapter', 126-127. Although John Hamilton had been promoted to the archbishopric of St Andrews in October 1546 he was not admitted to the office until 1549, Knox, *Works*, I, 193 notes. Documents issued by Winram and Lord James show that they continued to hold the office of vicars general in the period between Hamilton's promotion and admission. (For example, 23 August 1546, *Acts of Council (Public Affairs)*, 557; 24 March 1546/7, SRO GD18/469; 5 April 1547, SRO GD20/1/39; April 1547, 1 July 1547, *Acts of Council (Public Affairs)*, 565, 567; 4 June 1547, SRO CS7/4 fos 444r-445r; 28 April 1548, SRO B65/22/299; 8 June 1548, SRO RH6/1435). See too RSS volume 3 *passim*, indexed under "St Andrews Diocese - See Vacant".

## The Douglasses of Lochleven

Based at Lochleven, 40 kilometres south west of St Andrews, the commendator's maternal family, the Douglasses, tried to retain as much influence over Lord James and his affairs as they could. While James V was alive they had little or no influence over the priory's finances, which the King himself exploited.<sup>35</sup> After the King's death in 1542 the Douglasses saw an opportunity to gain control of the priory's wealth through control of Lord James. However, James Hamilton, second Earl of Arran and Regent of Scotland, had similar ideas.

In June 1543 Hamilton attempted to seize control of the priory's finances through obtaining the custody of Lord James. As Governor, Hamilton claimed for himself not only the guardianship of all the late King's offspring but also of all their lands, possessions and goods. He sent to St Andrews for three of the King's bastard sons to be brought to him in Edinburgh.<sup>36</sup> Aware of the threat to the Douglas family's status and finances Lord James' stepfather took swift and drastic action to confound Hamilton. As the boys and an escorting party travelled from St Andrews to Edinburgh Sir Robert intercepted them. "With force" he removed his stepson and took him home to Lochleven, claiming that he alone had the right of governance over the child.<sup>37</sup>

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<sup>35</sup> *APS*, II, 424. For example, when seeking to pay his Treasurer and Comptroller the King turned to Cardinal David Beaton and the auditors of "our compts" of St Andrews' priory for the necessary funds. The request was granted and a yearly payment of £333 6s 8d was made to each man. February 1539/40, *Treasurer Accts.*, VII, 362-363.

<sup>36</sup> 15 June 1543, *Acts of Council (Public Affairs)*, 528.

<sup>37</sup> 12 June 1543, Suffolk and Tunstall to the Privy Council, *Hamilton Papers*, I, 541-543.

The seizure caused a flurry of activity. Royal letters charging Sir Robert to release his stepson were issued, but to no effect.<sup>38</sup> The Privy Council and the Court of Session threatened to outlaw him if he persisted against the wishes of the Governor, but Sir Robert was not easily intimidated.<sup>39</sup> Sir Robert did not release his stepson until he had the control that he wanted and was given a prominent financial position within the priory itself. Subsequent to the seizure he is recorded as both the priory's factor and chamberlain.<sup>40</sup> Although as chamberlain Sir Robert had to submit the accounts for scrutiny he nevertheless had full control of priory finances and assumed responsibility for paying the tax of the priory due to the crown.<sup>41</sup>

As well as these appointments, Sir Robert also received what appears to be a ransom payment from John Winram. As subprior Winram would have been the key figure representing the priory's interests and conducting its side of the negotiations for Lord James' release. In July 1544 Winram delivered to Sir Robert 205 ounces of silver and 24 ounces of gold in the form of an unconditional personal loan given for an unspecified time.<sup>42</sup> (Figure 1) That same year Sir Robert also received from the priory, officially from Michael Donaldson, the then prior of St Serf's Inch, with consent of the motherhouse, the lands and barony of Kirkness.<sup>43</sup> In what is perhaps

<sup>38</sup> 11 June 1543, *Treasurer Accts.*, VIII, 193.

<sup>39</sup> 15 June 1543, *Acts of Council (Public Affairs)*, 528; SRO CS7/1 vol. 2, new fo 381r.

<sup>40</sup> SRO GD150/1737; SRO GD150/316.

<sup>41</sup> 31 October 1545, SRO GD150/1737; 23 February 1546/7, *Treasurer Accts.*, IX, 59. John Winram was one of those appointed to examine the accounts.

<sup>42</sup> Winram received a written obligation from Sir Robert that the money would be returned whenever it was required. Thirty-three years later, in 1577, when in great financial need, Winram demanded the return of the money from Sir Robert's heir. 12 July 1577, John Winram to William Douglas of Lochleven, SRO RH9/2/274, see below, pages 187-189. In an unconnected event, sometime before May 1554 Margaret Erskine repaid £175 16s owed by her late husband to John Winram. 19 May 1554, SRO GD150/2726, fo 2v [copy in SRO GD150/2727/1].

<sup>43</sup> 9 October 1544, SRO E14/2, fos 336r+v, also in RMS 5/1146.

related to the release of Lord James, Cardinal David Beaton granted lands to Sir Robert, ostensibly in thanks for his defence of the Church against Lutheranism, in June 1544.<sup>44</sup>

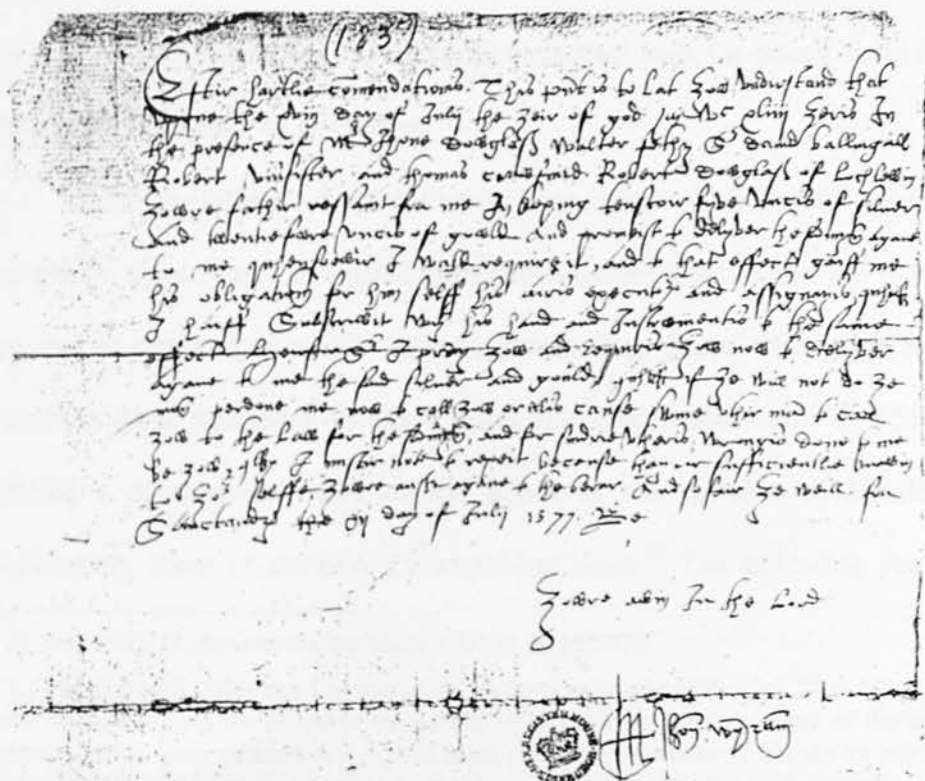


Figure 1: John Winram demanding the return of the ransom

<sup>44</sup> 25 June 1544, RMS 5/1145.



The involvement of the Douglasses in the affairs of Lord James, and thereby in the affairs of the priory, continued to grow. At times of national unrest Lochleven castle was used as a safe house for priory valuables. Surrounded by its loch the castle was thought impregnable.<sup>45</sup> When the riches of the priory were threatened by English invaders before the raid of “Langhop” three chests, containing, amongst other things, the relics of St Andrew and silk and gold vestments from the priory, were temporarily removed to the safety of Lochleven.<sup>46</sup>

After Sir Robert’s death at Pinkie, Lord James’ mother made great gains from the priory. Lord James instructed his priory chamberlains to pay for victual sent to her and to settle some of Sir Robert’s outstanding debts.<sup>47</sup> Margaret Erskine also benefited from numerous lucrative teind and land transactions. In 1556 she was granted a nineteen-year tack of the teinds of the parishes of Haddington and Ecclesgreig, some of the priory’s wealthiest lands.<sup>48</sup> The following year Margaret

<sup>45</sup> 21 June 1567, M. du Croc to Charles IX, *CSP(S)*, II, 335-336.

<sup>46</sup> [-] March 154[-], Prior and Convent of St Andrews to Margaret Erskine, NLS MS73, fo 10. This letter, acknowledging the return of the goods, is transcribed, although many of the signatures are omitted, in *Reg. Hon. de Morton*, I, 6. It is dated only as “[blank] day of Merche ye zeir of God j<sup>m</sup> v<sup>c</sup> fourte [blank] zeirs” but its reference to the death of Sir Robert, who died at Pinkie in September 1547, fixes the date as 1548-49. McRoberts suggests that the chests were probably removed to Lochleven in 1543 when Henry VIII was threatening to over run St Andrews, citing a letter of 10 April 1544 (*sic*) from the Privy Council to Hertford (*Hamilton Papers*, II, 325-327), McRoberts, ‘The Glorious House’, 103. This early date does not fit with the later date of Henry VIII’s threat. Nor does it seem plausible that the priory would be content for the relics of St Andrew to remain at Lochleven for over four years. There was a siege and battle at Langhop (modern Langholm) in July 1547 when Langholm Castle was retaken by the Scots. *Mary of Lorraine Corresp.*, 167-168, 177-179 and notes, 191 and notes, 192-194 and notes; Pitscottie, *Historie*, II, 87-88; Caldwell, ‘Pinkie’, 67. The removal of the chests in 1547, during the period when St Andrews’ castle was being held by the Castilians, would explain why the priory did not use St Andrews’ castle as their place of safekeeping as St Salvator’s College had done earlier in the decade. (St Salvator’s also dispersed valuables amongst individual citizens of St Andrews, including women, for safekeeping). St A. Muniments, SS110.AP3.1 (c.1544); SS110.AP3.2 (c.1544).

<sup>47</sup> [-] October 1549, SRO GD150/1914. The priory chamberlains were to pay the annual rents outstanding by Sir Robert to the Blackfriars of St Andrews, 22 January 1548/9, SRO GD150/1153.

<sup>48</sup> 8 November 1556, SRO GD150/1837/1. This was the start of a long association of the Douglasses with the teinds of Haddington. Other tacks were granted by Lord James, and by and his successor, Robert Stewart, bishop of Caithness, to Margaret Erskine and to Sir William Douglas: 9 March



obtained a tack of teinds from lands in the parishes of Cupar, Dairsie, Forgandenny, Kilmany, Leuchars and St Andrews-Holy Trinity.<sup>49</sup> In obtaining reversions of priory lands Margaret Erskine was afforded generous terms by her son.<sup>50</sup> There seems little doubt that the intention was permanently to alienate the lands to her. Where most people granted a reversion of several hundred merks for one area of land, Margaret granted only £20 for eighteen parcels of land, all within a fifteen kilometre radius of St Andrews.<sup>51</sup>

### *Prior of St Serf's Inch*

In 1553 John Winram's associations with the Douglasses became more direct when he was appointed prior of St Serf's Inch within Lochleven.<sup>52</sup> St Serf's Inch was

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1567/8, SRO GD150/1837/2, GD150/1837/3; 3 March 1577/8, SRO GD150/1837/5; 1 April 1580, SRO GD150/1837/6.

<sup>49</sup> Charter dated 2 January 1556/7, confirmed in a crown charter 23 June 1565 (not in *RMS*), SRO GD150/1018; also in NLS Adv. 17.1.3 new fos 163r-165r. The right to collect teinds not only assured Margaret of a regular guaranteed income but also gave the Douglas family considerable influence over large areas of Fife, Haddington and the Mearns.

<sup>50</sup> The use of reversion and redemption of land could achieve one of two objectives. Firstly, it could be a means to borrow money. It was illegal to borrow money and pay interest on a loan. To meet a demand for cash an institution could issue a reversion *i.e.* 'lease' some of its land for a lump sum on the understanding that the land would be returned when the money was repaid. In the meantime the lender was granted authority to collect the annual rents due from the land in lieu of payments of interest. Secondly, reversions were used to effect legally the permanent alienations of land. A reversion was issued for a lump sum of money on the understanding that if the land were not redeemed within a specified period it would be forfeited to the lender and thereby permanently alienated.

<sup>51</sup> "Westar Petletheis, Baraymouth Eister, Strvethe, Langraw, Vnthank, Drumcarrow, Dunork, Clairmonth, Northbank, Freirton, Cassindonnauld, Kaivlok, Kirk land of Forgonne, Kirk land of Couiper, New Myln of Darsy, Walk Myln of Darssy, ye parteis of ye New Grainge and Dainheid now occupyit be ye relict of vmquhill Mr Thomas Wymmes and fyve aikaris of land of Newgrainge now occupyit be ye relict of vmquhill James Learmonth of Balcommy knyght". 24 December 1569, Inventory of the reversions of St Andrews, NRA(S) 217, Box 2, no. 115. The £20 given by Margaret Erskine was certainly not a hidden loan.

<sup>52</sup> 24 May 1575, SRO GD150/1009G. Variouslly styled the priory of St Serf's Inch (John Winram's preferred designation), Portmoak, and Lochleven. It is likely that Winram was appointed on the death of the previous prior, Michael Donaldson, who was still in office in 1548. Dilworth, 'The Dependent Priors', 157; SRO GD150/1008. Aerial photographs of the priory remains can be found in, *RCHMS* B46771, B46772, B46799, B46800. The island is now a bird sanctuary with no public access. See too, Kerr, 'Ecclesiastical Remains'; Annan, 'On the Culdees', 383-384.

a daughter house of St Andrews and was situated on an island in the same loch as Lochleven castle, the ancestral home of the Douglasses. Although this priory had not sustained a community since c.1420 until the death of John Winram it retained a prior drawn exclusively from the canons of its motherhouse in St Andrews. Despite its lack of community Winram's appointment was more than merely titular. For example, as prior he had the right to attend Parliament, a right which he exercised for the first time in 1560.<sup>53</sup> Of more immediate use, were the fiscal benefits of the appointment.

Apart from his portion from St Andrews' priory, Winram's only known source of income at this time was the payments he received as vicar of Dull, one of the priory's appropriated churches.<sup>54</sup> Winram obtained this position in 1539, before Alexander Mylne's appointment as administrator. For Winram, Dull was nothing more than a source of private income. An absentee vicar, he employed the services of David Miller as curate to serve the spiritual needs of the parish. In June 1539 Winram obtained a warrant from George Crichton, bishop of Dunkeld, instructing Miller to warn all parishioners:

henceforth and in future to pay their teinds, fruits, rents, obventions, emolments, and glebes...to a religious father and lord, John Winram...as true and undoubted vicar....<sup>55</sup>

<sup>53</sup> August 1560, *APS*, II, 525, 606. Winram also attended in December 1567, August 1568, July 1570 and August 1571: *APS*, III, 3, 4, 46; *CSP(S)*, III, 669-670. He attended a convention of the estates in July 1569, August 1571, 1574 *CSP(S)*, II, 663-64; *CSP(S)*, III, 266-270; *APS*, III, 84. In 1574 he was a commissioner during discussions on church government, *APS*, III, 89. The only reference to one of Winram's predecessor priors attending Parliament was in 1471 and 1472, *APS*, II, 98, 102.

<sup>54</sup> Dull was one of seven appropriated churches whose pre-Reformation vicars were drawn from the ranks of the canons. The others were Ecclesgreig, Fowlis-Easter, Kilgour, Leuchars, Longforgan and St Andrews-Holy Trinity. The church at Dull is now in the hands of the Knights Templars of Scotland. I am most grateful to Mr Neil MacLeod for granting access to the building.

<sup>55</sup> *HMC*, 14th Report, III, 86. The Latin original can be found in SRO GD158/449.

Those who refused were to be excommunicated. The payments that Winram received from Dull were substantial and he was not willing to relinquish them.<sup>56</sup> To avoid a charge of pluralism and free himself to take up the appointment as prior of St Serf's, Winram had to resign the vicarage of Dull, but did so only to his immediate inferior in St Andrews, the thirdprior David Guthrie. As *usufructor* Winram retained to himself the fruits and revenues of the benefice.<sup>57</sup>

At St Serf's Winram enjoyed more than simply the fruits and revenues due to the priory. He was assigned the manor place (or manse) and yards of Kirkness, situated to the south-east of St Serf's Island. (Map 2) This substantial house boasted several large chambers, a bakehouse and cellars.<sup>58</sup> Winram also held the rights to some crofts and homesteads, as well as lands in the surrounding area, such as the Prior's Ward, all of which would have provided a regular income.<sup>59</sup> Other cash income came from the rents of Kirkness. Annual rents of £60 were paid to Winram by Sir William Douglas of Lochleven, half-brother to Lord James Stewart, who had inherited the lands and barony of Kirkness after his father's death.<sup>60</sup> Income in kind

<sup>56</sup> From Winram's will the annual income from the parsonage of Dull was £62 4s 8d. SRO CC8/8/11 fos 254v-257v.

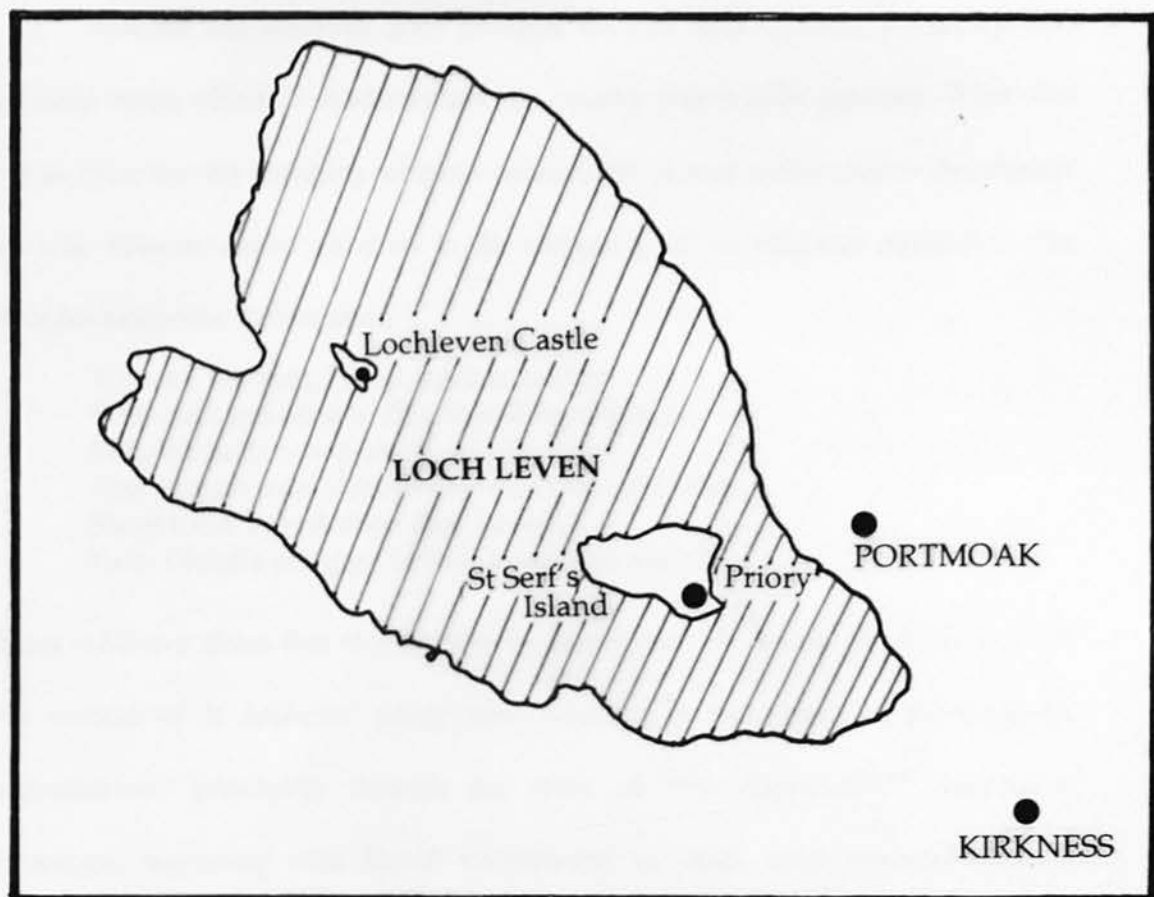
<sup>57</sup> For example, 14 February 1561/2, SRO E14/1 fos 116r+v, 131r+v. The precise date of Winram's resignation has not been determined, however David Guthrie is recorded as holding the vicarage perpetual in October 1555. Haws, *Scottish Parish Clergy*, 67.

<sup>58</sup> SRO NP1/35, fos 138v-139r, also in St A. Muniments, SL110.H2. I am grateful to Andy Baird of Kirkness for permitting access to the site of Kirkness manor house. The ruins as they now stand appear to post-date the sixteenth century, although some walls show signs of greater age. The remains of the village of Kirkness lie beneath grazing ground to the east of the manor house and are visible in aerial photographs, for example RCHMS, OS/77/167 frames 070 and 071.

<sup>59</sup> The Prior's Ward could have been an area of forest or of pasture land. SRO E14/2, fos 62r+v, 87v.

<sup>60</sup> Receipts issued by Winram to Sir William for these rents can be found in the Morton Muniments. For example, SRO GD150/1009B; 1846; 2186; 2191; 2192. See below, pages 187-188.

came from the fishing rights of Lochleven and the teinds of Kirkness, which provided straw, oats, hemp, lint, wool, eels, lambs, milking cows and calves.<sup>61</sup>



Map 2: St Serf's Island, Lochleven and Kirkness

<sup>61</sup> SRO E14/2, fos 62r+v; SRO GD150/1759(a) and (b); SRO CC20/1/1, fo 279v; SRO CC20/1/2, fos 14r, 75r, 115v; SRO CC20/1/3, fo 138v.

## II

***Changing Religious Convictions***

Winram had achieved great personal success since entering the priory. His growing status within St Andrews and the country was readily apparent. What was not so clear was his changing religious convictions. A near contemporary description of John Winram draws attention to the ambiguity of his religious position in the decades before the Reformation:

Winram, 'tis hard, I must confess, to find  
What rank and class to thee should be assigned.  
Religion hates concealment; and the light  
That streams from Heaven above so clear and bright,  
Should also by reflection shed its rays  
From Christ's disciples in their words and ways.<sup>62</sup>

Knox's *History* states that shortly after the martyrdom of Patrick Hamilton in 1528 the novices of St Andrews' priory were educated in "the vanity of the received superstitioun" principally through the work of "the Suppriour".<sup>63</sup> Successive historians, beginning with David Calderwood in 1648, have assumed Knox's unnamed pro-Protestant subprior to be John Winram.<sup>64</sup> However, in the decades following Hamilton's martyrdom Winram played an active and prominent role in the Roman church.<sup>65</sup> Unable to reconcile his Catholic activities with his apparent support

<sup>62</sup> Extract from a poem to John Winram, one of a series written by John Johnston (c.1565-1611) regarding Scottish martyrs and reformers. It is cited in its original Latin and in translation in Hewat, *Makers*, 212-213. A 'working' manuscript version of Johnston's poems can be found in NLS Adv. 19.3.24 (John Winram's poem at new fo 36r) and a 'pre-publication' version in St A. Muniments, MS PA.7300.J7. For a discussion on the two manuscripts see Cameron, 'A St. Andrews Manuscript'.

<sup>63</sup> Knox, *Works*, I, 36.

<sup>64</sup> Calderwood, *History*, I, 82-83. The editorial notes accompanying Laing's edition of Knox's *Works*, also make this identification, Knox, *Works*, I, 36 notes.

<sup>65</sup> He was a judge in the heresy trial of John Borthwick in 1540, *Acts and Monuments*, V, 607-621, and in the trial of three witches in 1542, *St A. Form.*, II, xv, 175-177. He preached at the trial of George Wishart in 1546, *Acts and Monuments*, V, 625-636; Knox, *Works*, I, 150-151; attended the trial of Adam Wallace in 1550, *Acts and Monuments*, V, 636-641; and in 1558 he sat in judgement at the

of Protestantism so soon after 1528 many historians have charged Winram with duplicity or hypocrisy.<sup>66</sup> A consideration of key events in Winram's life reveals this judgement to be wrong.

## Early Influences

### *Patrick Hamilton*

Winram made a good choice by coming to St Andrews to pursue his academic and religious training. Its sea links with the continent facilitated the exchange, debate and promulgation of ideas. News from the continent concerning Martin Luther would have been especially sought after in the Augustinian priory and in its recently erected college of St Leonard (Luther belonged to the same strict section of the order as the priory canons). A major source of such news was Patrick Hamilton.<sup>67</sup>

Second son to Sir Patrick Hamilton of Kincavel and Stanehouse, it was probably during his studies at the university of Paris that the young Patrick became familiar with the ideas of Erasmus and Luther.<sup>68</sup> Later, on 9 June 1523, Hamilton was

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heresy trial of Walter Milne, *Acts and Monuments*, V, 644-647. Later still, in March 1559 Winram again gave public support to the Church by participating in its Reforming Council, as he had done in 1549, Patrick, *Statutes*, 86, 163-164. From the official records which have survived, it is not possible to determine whether or not Winram participated in the 1552 council, although by virtue of his rank and position within the Church his attendance would have been all but obligatory. Foxe's account of the 1552 Council calling on Winram to settle a growing dispute over to whom the Pater Noster was to be said would substantiate the subprior's presence, *Acts and Monuments*, V, 641-644.

<sup>66</sup> For example, Wodrow, *Collections*, I, 120; Hewat, *Makers*, 180; McRoberts 'The Glorious House', 117; Sanderson, *Cardinal of Scotland*, 88; Yellowlees, 'Dunkeld and the Reformation', 75-76 (in general, the interpretation of Winram's life offered in this thesis differs considerably from that offered by Yellowlees).

<sup>67</sup> Lorimer, *Patrick Hamilton*; Lawson, *Life of Patrick Hamilton*; Cameron, *Patrick Hamilton*; Pitscottie, *Historie*, I, 308-312; *Acts and Monuments*, IV, 558-578; Knox, *Works*, I, 13-35.

<sup>68</sup> Where Hamilton took his masters degree towards the end of 1520. Lorimer, *Patrick Hamilton*, 27-28. During 1520-21 the doctors of the Sorbonne undertook a detailed examination of Luther's writings



incorporated into St Andrews' University.<sup>69</sup> On 3 October 1524 he was admitted as a master into the Faculty of Arts.<sup>70</sup> During his years in St Andrews, Hamilton enjoyed a close association with the members of the priory for whom he composed a nine-part Mass. The time that Hamilton spent in the company of the chapter as he led them in their rehearsals of the Mass provided an opportunity for theological discussion and the exchange of ideas.<sup>71</sup>

St Andrews was not the only place where Luther's ideas were being debated. Discussion of his teachings throughout Scotland was causing such concern to the authorities that on 17 July 1525 Parliament passed an act against the "dampnable opinzeounis of heresy ... spred in diverss cuntreis be ye heretik Luther".<sup>72</sup> This act blamed foreigners for the rise of heretical opinions in Scotland, especially those arriving by ship with heretical books and tracts, or openly discussing the heretical doctrines they had heard on the continent in the Scottish towns which they visited. All such activities were banned. The only people to be allowed to debate the heretical opinions, and then only in order to construct arguments against them, were the members of the universities.

The act had little effect on those it was intended to restrain. Heretical books were finding their way into Scotland through its east-coast ports in increasing numbers. In 1527 it was reported that Antwerp printers were openly selling copies of

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before condemning him as a heretic on 15 April 1521. Thus Hamilton experienced first hand the intense debate surrounding the heretical doctrines. Lorimer, *Patrick Hamilton*, 38-39.

<sup>69</sup> *St A. Recs.*, 218-219.

<sup>70</sup> *St A. Acta*, 346.

<sup>71</sup> Lorimer, *Patrick Hamilton*, 59-60.

<sup>72</sup> *APS*, II, 295.

the New Testament in English, some 2,000 copies being sold at one Frankfurt book fair alone. Having bought such books Scottish merchants were then shipping them to St Andrews and Edinburgh.<sup>73</sup> By 1527 it had become clear that it was no longer only foreigners who were spreading the new heresy within Scotland, but native Scots as well. Taking account of this, the 1525 act of parliament was amended on 4 September 1527 to include the condemnation of “all vyeris ye kingis liegis assistaris to sic opinzeonis”.<sup>74</sup> One such “assister”, by his teaching, preaching and disputation in St Andrews, was Patrick Hamilton.

By Lent 1527 reports of Hamilton's open defence of Luther's teaching reached Archbishop James Beaton. Following an inquiry, Hamilton was judged guilty of holding and promulgating heretical ideas and was summoned to appear before Beaton and his council. Instead of answering the summons Hamilton fled the country, taking refuge in Germany.<sup>75</sup> His swift and dramatic departure would have only served to increase debate within St Andrews' university and priory over the ideas he had expressed. Winram, more than most, would have been affected by Hamilton's going since accompanying him was Winram's kinsman and fellow student at St Andrews, Gilbert Winram of Edinburgh, who left behind his copies of works by John Mair and a copy of Erasmus' New Testament.<sup>76</sup>

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<sup>73</sup> 20 February 1526/7, John Hackett to Wolsey, *Letters and Papers F&D.*, Henry VIII, IV, ii, 1296-1297. 23 May 1527, John Hackett to Wolsey, *Letters and Papers F&D.*, Henry VIII, IV, ii, 1424.

<sup>74</sup> *APS*, II, 295.

<sup>75</sup> *Acts and Monuments*, IV, 560.

<sup>76</sup> Lorimer, *Patrick Hamilton*, 87 and notes. Gilbert's relationship to John Winram has not been determined. Like John, Gilbert studied in the priory's own college of St Leonard. He was incorporated into the Lothian nation of St Andrews' University on 28 February 1515/6 and determined on 18 May 1521, *St A. Recs.*, 212, 110; 'Early Scottish Libraries', 160-161.

Within the year Hamilton returned to his native Kincavel where he began openly to preach Lutheranism. Alarmed by this Archbishop James Beaton summoned him to St Andrews, ostensibly to confer and debate on the reform of the church.<sup>77</sup>

Arriving in St Andrews in mid January 1527/8 Hamilton:

taught and disputed openly in the university on all points which he conceived a Reformation to be necessary in the Church's doctrines, and in her administration of the sacraments and other rites.<sup>78</sup>

He also counselled enquirers in private, such as Friar Alexander Campbell (who later accused him of heresy before the archbishop)<sup>79</sup> and held many dialogues with Alexander Alan. Writing some years later, Alan recalled that having failed to refute Hamilton's arguments and persuade him of his religious errors he returned to his fellow canons in the priory convinced that he himself was wrong.<sup>80</sup>

Hamilton's return to St Andrews would have sparked a great deal of interest amongst the canons. As well as attending the public debates they would have received first-hand accounts of each successive encounter with Alan. On a personal level, John Winram would also have been keen to seek out Hamilton for news of Gilbert.<sup>81</sup> The open debates which Hamilton was permitted to conduct gave many observers the impression that Beaton and the doctors of religion "seamed to approve his doctryne, and to grant that many thingis craved reformatioun in the Ecclesiastical

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<sup>77</sup> Knox, *Works*, I, 15; Lorimer, *Patrick Hamilton*, 127.

<sup>78</sup> Spoken by Alexander Alan, cited in Kirk, 'Religion of Early Scottish Protestants', 370-371; Lorimer, *Patrick Hamilton*, 128, 134 and notes.

<sup>79</sup> Knox, *Works*, I, 15-16, 18-19; *Acts and Monuments*, IV, 563.

<sup>80</sup> "It came out truly that beyond my expectation, I perceived from his conversation that I was in error". Lorimer, *Patrick Hamilton*, 133-134; McNeill, 'Alexander Alesius', 165.

<sup>81</sup> Gilbert was never to return to his native Scotland but died in Marburg within three years of his arrival.

regiment".<sup>82</sup> However the opposite was true. On the last day of February 1527/8 Hamilton was condemned for heresy. His rushed, bungled execution had an effect far beyond St Andrews:

almost within the hole realme ... thair was none found who begane not to inquirye, Whairfoir was Maistir Patrik Hammyltoun brunt? And when his Articles wer rehersed, questioun was holden, yf such Articles war necessarie to be beleved under the pane of damnatioun.<sup>83</sup>

The impact was even more profound on members of the priory who had long been familiar with him. During the burning Alan, at least, was unable to conceal his sorrow.<sup>84</sup>

Seeking to stifle any growing wave of sympathy for Hamilton the prior, Patrick Hepburn, sought assurances from his canons that they approved of the treatment meted out to Hamilton and condemned the articles for which he had died. Alan refused to do either. Falling under suspicion of Lutheranism he was ordered to preach at the 1529 synod held in St Andrews. Before the assembled bishops and priests, and his own prior, Alan exhorted all clergy "to piety, to the study of Christian doctrine, to good morals, and that they should teach and govern the churches piously". He also "distinctly pointed out debauched priests".<sup>85</sup> Hepburn took this to be a direct personal attack on his own sexual behaviour. With an armed escort he stormed a gathering of the canons in the chapter house. Restrained from killing Alan there and then, Hepburn imprisoned every canon releasing them only after

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<sup>82</sup> Knox, *Works*, I, 15.

<sup>83</sup> Knox, *Works*, I, 36. The effect was not just national but international. The University of Louvain wrote a congratulatory letter to the archbishop commending him for his actions. *Acts and Monuments*, IV, 561-562. For discussion on the impact of the Protestant martyrdoms in Scotland see Dawson, 'Theatre of Martyrdom'.

<sup>84</sup> McNeill, 'Alexander Alesius', 165; Lorimer, *Patrick Hamilton*, 237.

<sup>85</sup> Anderson, *Annals*, II, 447.

intervention by the King.<sup>86</sup> Apart from a brief release to demonstrate that he had not been killed, Alan remained imprisoned for a year. However, whenever the prior was absent sympathetic canons would release him. On one such occasion Hepburn returned unexpectedly to find Alan conducting public worship and ordered him to be “torn” from the altar and returned to prison. In fear of the repercussions for Alan some of the canons smuggled him from the priory and he escaped into exile on the Continent.<sup>87</sup>

### *St Leonard's College*

Privately, the new doctrines continued to be discussed in the College of St Leonard and in the priory. Knox recalls that:

within schort space many begane to call in dowbt that which befor thei held for a certane veritie, in so much that the Universitie of Sanctandrose, and Sanct Leonardis Colledge principallie, by the labouris of Maistir Gawin Logy, ... began to smell somewhat of the veritie, and to espy the vanitie of the receaved superstitioun.<sup>88</sup>

The work of Gavin Logie in promoting the new ideas within St Leonard's was also noted by David Calderwood:

Mr Gawin Logie instilled into his schollars the truthe secreitlie, which they, in process of time, spread through the whole countrie, wherupon did arise a proverbe. When anie man savoured of true religioun, it was said to him, “Yee have drunken of Sanct Leonard's well.”<sup>89</sup>

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<sup>86</sup> The King would have come himself to St Andrews to release the canons from prison “except the place were infected with the plague”. Anderson, *Annals*, II, 448.

<sup>87</sup> Anderson, *Annals*, II, 449–450. I am grateful to Martin Dotterweich (Edinburgh University) for his helpful comments on Alan.

<sup>88</sup> Knox, *Works*, I, 36.

<sup>89</sup> Calderwood, *History*, I, 83.

Knox attributed the promotion of the new ideas in the priory to “the Suppriour”.<sup>90</sup> Editorial notes identify “the subprior” as “probably” John Winram. This identification seems unlikely, and has led to much subsequent confusion.

Chronologically John Winram was not the subprior at this time. Allowing for some telescoping of the time-scale in the “schort space”, Knox was referring either to James Wemys, recorded as subprior in March 1527/8, or to Alexander Young, recorded as subprior between July 1532 and February 1534/5.<sup>91</sup> Alexander Young seems the more likely candidate. Throughout the period in question both Young and Gavin Logie regularly co-operated in filling the positions of nominal and acting principal of St Leonard’s College.<sup>92</sup> As both subprior and principal Young held key positions from which he could influence members of St Leonard’s and of the priory, even under the priorship of Patrick Hepburn.<sup>93</sup> Winram on the other hand was a canon regular, led by his own subprior and college principal. He was not an early closet leader of the reformed movement.

John Winram’s initial experiences of Lutheranism and its impact ranged from academic discourse in the university and priory, to his first-hand experience of Patrick Hamilton and the maltreatment and attempted murder of Alexander Alan. At

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<sup>90</sup> Knox, *Works*, I, 36.

<sup>91</sup> See above, pages 13-14. I am grateful to Dr Margaret Sanderson for her help with the problem of identifying Knox’s subprior.

<sup>92</sup> Gavin Logie was not a canon regular of the monastery and therefore could not hold the position of nominal Principal. A.I. Dunlop illustrates Logie and Young’s tandem appointments in *St A. Acta*, xlviii-xlix and notes. See too Watt, *Fasti*, 384-385. In their record of the Principals of St Leonard’s College, J. Herkless and R.K. Hannay fail to appreciate the intricacies of Logie’s and Young’s linked appointments, Herkless and Hannay, *St Leonard’s*, 33.

<sup>93</sup> In the 1530s Young fell from grace in the eyes of his prior, Patrick Hepburn, who had already demonstrated his dislike of Lutheran sympathisers. Not only was Young demoted from his position as subprior, but he also suffered a prolonged absence from the post of Principal of St Leonard’s, an appointment which, like that of subprior, was made by the prior. Herkless and Hannay, *St Leonard’s*, 33.



this early stage Winram may have recognised the need for reform, but he was not a supporter of Protestantism. He did not choose to follow either his kinsman Gilbert, or his fellow canon Alan, to the continent.

### Catholic Reformer

Those who sought reform of the Church's abuses while at the same time opposing Protestantism had a difficult path to negotiate. Pursuit of reform and repression of heresy were seen by some as complementary goals, but when the reform was too fast or radical it could easily be misinterpreted as abandonment of the Church of Rome in favour of Protestantism. In the early 1530s Winram's rapid rise through the ranks of the priory suggests his orthodoxy. At the same time his prominence and authority within the university grew considerably. From 1535 he was variously elected as an intrant, an assessor, a deputy rector and a visitor to the colleges, positions which he continued to occupy throughout his life.<sup>94</sup>

In the decades before the Reformation St Andrews was a focal point for formal debates on controversial doctrines. In c.1534 John Hepburn, bishop of Brechin, accused Friar William Airth of heresy for preaching in Dundee against the abuse of "curssing and of miracles" and of criticising the licentious lives of some clerics.<sup>95</sup> In his defence, Airth appealed to the judgement of John Mair as "ane oracle, in materis of religioun".<sup>96</sup> To settle this dispute Mair adapted a procedure reminiscent of classical public disputations. Notice was served on all those who had objected to

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<sup>94</sup> See below, pages 224-230.

<sup>95</sup> For a brief summary of John Hepburn's activities see Bardgett, *Scotland Reformed*, 20.

<sup>96</sup> Knox, *Works*, I, 37. John Mair was provost of St Salvator's College.

the original sermon to attend the parish church of St Andrews where Airth was instructed to redeliver his sermon. Although John Hepburn did not attend those who did included Patrick Hepburn, together with all the doctors and masters of the university, which would have included John Winram.<sup>97</sup> Having witnessed the success of this form of public disputation in resolving doctrinal controversy Winram later employed the same technique.

Since the 1525 Heresy Act, reading and discussion of the scriptures, heretical books and tracts had been permitted within the schools or universities. Members of these establishments retained a platform, albeit strictly controlled, on which to debate the issues. There was opportunity here for abuse of disputations in classes to promote, rather than refute, calls for reform.<sup>98</sup> It was probably just such a loop-hole that Cardinal David Beaton believed John Winram was exploiting when, in 1546, the Cardinal furiously said to him “Weill, Weill, we knaw zow and quhat ze ar sewin zeir syne”.<sup>99</sup> For years Beaton had suspected Winram of holding reforming sympathies but the Cardinal was unable to gather sufficient evidence to bring charges against him.

The occasion of Beaton’s outburst was the heresy trial of George Wishart.<sup>100</sup>

Winram played a leading part in the event, preaching the pre-trial sermon on the

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<sup>97</sup> Knox, *Works*, I, 36-40.

<sup>98</sup> The difficulty of negotiating this path was experienced by David Guild, professor of liberal arts, regent of St Leonard’s College and bachelor of divinity, who was accused of promoting heretical ideas concerning the Trinity during quodlibet disputations. Protesting that he had not intended to depart from orthodox Catholic doctrine his judges, who included Winram, found him innocent of the charge. Herkless and Hannay, *St Leonard’s*, 220-23; St A. Muniments, SS110.AE.14.

<sup>99</sup> Pitscottie, *Historie*, II, 77.

<sup>100</sup> Knox, *Works*, I, 125-171; *Acts and Monuments*, IV, 625-636; Pitscottie, *Historie*, II, 52-82; Sanderson, *Cardinal of Scotland*, 210-223.

parable of the sower.<sup>101</sup> Knox's record of the sermon is the first direct account of Winram's religious stance. It is also the first example of Winram's shrewdness. Although his sermon on heresy contained only orthodox and uncontroversial statements, he managed to convey an unorthodox message.

During the medieval period formal definitions of heresy had

expanded the boundaries of the traditional Patristic concept of heresy by moving away from the emphasis on doctrinal error and the exercise of personal choice, and towards contumacy, novelty and disobedience to the Roman Church as the defining characteristics of heresy.<sup>102</sup>

Ignoring this long established shift in emphasis Winram appealed to the earlier Patristic teaching. "Heresye", he said, "is a fals opinioun, defended with pertinacie, cleirlye repugning to the word of God."<sup>103</sup> His choice of definition conspicuously ignored, but did not deny, contumacy against the authority of the Church of Rome as a hallmark of heresy. Continuing with his appeal to antiquity Winram stated that such heresies were to be judged by "the undowbted towch stone, that is, the trew, syncere, and undefyled worde of God".<sup>104</sup> The underlying cause of heresy was:

the ignorance of thame which have the cure of menis saules, to whome it necessarelie belongeth to have the trew understanding of the word of God, that thei may be able to wyn agane the fals doctouris of heresy, with the sword of the Spreat, which is the word of God.<sup>105</sup>

<sup>101</sup> For a discussion on the possibility that it was Winram himself who later supplied John Foxe with the details of Wishart's trial see Freeman, 'The reik of Patrick Hammyltoun'.

<sup>102</sup> Bosworth, 'Heresy', 38.

<sup>103</sup> Knox, *Works*, I, 150-151. Throughout his trial Wishart would draw on Winram's sermon, appealing to the Word of God as his judge, and claiming that he had done no more than faithfully teach its tenets.

<sup>104</sup> Knox, *Works*, I, 151.

<sup>105</sup> Knox, *Works*, I, 151.

Having condemned the ignorance of the clergy Winram carefully cited the apostle Paul as his authority to condemn those bishops whose licentious lifestyles did not match biblical standards:

A bischope must be faltles, as becumith the minister of God, not stubburne, not angrie, no drunkard, no feghtar, not gevin to filthy lucre; but harberous, one that loveth goodnes, sober mynded, rychteous, holy, temperat, and such as cleaveth unto the trew word of the doctrine, that he may be able to exhorte with holsome learning, and to improve that which thei say against him.<sup>106</sup>

No wonder Beaton was frustrated by Winram after this sermon. Without being unorthodox Winram gave the impression that it was the Church that was on trial and that the Church was guilty. Even Knox could find little wrong with the sermon other than its concluding statement that “heretikis should be putt down in this present lyef”. This was contrary to the biblical text which allowed the good and the bad seed, the Word of God and the heresy, both to “grow unto the harvist”. This had the air of a postscript designed to leave the listeners with a note of orthodoxy at the end of a highly ambiguous sermon.<sup>107</sup>

Winram was shrewd. His actions frustrated both sides of the growing religious divide. As subprior of St Andrews and a leading member of the university, supporters of Protestantism were keen for Winram to side publicly with their cause. Wishart, having been condemned to death, refused to make his confession to anyone other than “yonder man that preached this day” hoping, perhaps, to persuade the subprior into openly supporting Protestantism.<sup>108</sup> Pitscottie noted that following their conversation Winram was so convinced of Wishart’s innocence he began to weep

<sup>106</sup> Knox, *Works*, I, 151, cf 1 Timothy chapter 3, vs 1-7.

<sup>107</sup> Knox, *Works*, I, 151.

<sup>108</sup> Knox, *Works*, I, 168.

over Wishart's impending death. On being asked by the subprior if he wished to receive the Mass Wishart said yes, if it be given "as Christ institutit of baitht the kyndis". When reporting back to Beaton and the bishops of his meeting Winram told them that he himself had:

taine it wpoun him and his saull that he [Wishart] was innocent of all the artickillis that was layd to his charge and gif he dieit this day he sould die ane innocent befor God and the world....

It was this comment that prompted Beaton's furious outburst against him.

Unperturbed, Winram petitioned for the Mass to be administered to Wishart:

he [Wishart] bad me speir at zow and the laif of the bishopis gif ze wald be content he had his sacrament of the hollie kirk.

This request was denied

because he [Wishart] was condemnit to the deid as ane heretick thairfor he aught nocht to haue aney benefeit of the kirk.

Winram returned to Wishart to report the decision of the bishops, bidding Wishart to be "blyth and mirrie in god and sett his hope in his marcie ffor he [Winram] saw no marcie witht man." The two men then parted "witht cheikes watt on baitht the sydis."<sup>109</sup>

### ***Winram's Catechism***

It may have been his experience of Wishart's trial that encouraged Winram to set out his own beliefs in a written vernacular catechism. Certainly, the assassination of David Beaton on 29 May 1546 would have released the subprior from the Cardinal's watchful gaze and allowed him greater freedom to act. The Cardinal's

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<sup>109</sup> Pitscottie, *Historie*, II, 76-77, Knox, *Works*, I, appendix 1, 484-485 for David Buchanan's similar interpolation of Knox's History.

death had another benefit. Together with his young prior, Lord James Stewart, Winram was appointed vicar general of the vacant see of St Andrews.<sup>110</sup> It seems certain that in 1546, with the added authority of being vicar general, Winram published his, now lost, vernacular catechism. A catalogue of 262 books in the "Bibliotheca Leonardina" submitted to the 1599 visitation of St Andrews' University records as successive entries two distinct, and extant catechisms: "Catechismus D[ene] Jo[h]n Wynram Subpri[or]" and "Catechismus Jo[h]n Hamiltoun epi[scopus]".<sup>111</sup> John Bale writing in 1559, and Thomas Dempster in 1627, noted that Winram's catechism was published in 1546.<sup>112</sup> Bale's comment, "*Alia eius opuscula a me visa non sunt*",<sup>113</sup> strongly implies that he himself had seen the Catechism. Like Archbishop John Hamilton in 1552, Winram probably used the local press of John Scott, who is believed to have been active in St Andrews in 1546, to publish his Catechism.<sup>114</sup>

<sup>110</sup> Sanderson, *Cardinal of Scotland*, 223-230.

<sup>111</sup> St A. Muniments UY.152/2, 172-174 at 173. The bulk of this volume, which contains transcripts of numerous university documents, is in the hand of Robert Howie, Principal of St Mary's College, 1607-1647. The original catalogue, which is now lost, was signed by Robert Wilkie (Principal of St Leonard's, 1589-1611) under the note "Thair ar sum mor buikes in the librarie quhilk tyme culd nocht permit to seik out. This is the catalogue of the buikes as we micht haif it for the tyme" UY.152/2, 174. Thus Winram's catechism was a published book, rather than a manuscript. A second copy of this listing is also transcribed in UY.152/3, fos 91r-93r. I am grateful to Dr Robert Smart (retired archivist, St Andrews' University) and Christine Gascoigne (St Andrews' University Special Collections Department) for their assistance in tracing these references. The catalogue of St Leonard's books has been published in *Maitland Misc.*, I (ii), 316-321, with the contraction of Winram's office erroneously expanded to read "Catechismus D. Jo. Wynrami superintendentis", *Maitland Misc.*, I (ii), 319.

<sup>112</sup> Bale, *Scriptorum*, 224; Dempster, *Historia Ecclesiastica Gentis Scotorum*, II, 665. I am grateful to Drs Tom Freeman (Rutgers University) and Robert Smart for their assistance in investigating Winram's catechism.

<sup>113</sup> "Others of his smaller works have not been seen by me".

<sup>114</sup> Dickson and Edmond, *Scottish Printing*, 153. I am grateful to Christine Gascoigne for this reference. In April 1547 John Scott was thought to be in Dundee. *RPC*, I, 69-70. It is possible that John Scott the publisher was closely related to the John Scott the notary public who frequently acted both for the priory of St Andrews and for John Winram personally after the Reformation. (SRO NP1/26; SRO NP1/35). The origins of the tradition that Winram is the true author of Hamilton's Catechism appears greatly to post-date the relevant events. Law states that the tradition is an attempt to



*John Winram, John Knox and St Andrews, 1547*

The prolonged siege which followed the taking of St Andrews' castle by Beaton's murderers and their supporters had national and international dimensions, but it was particularly significant for supporters of reform in St Andrews itself.<sup>115</sup> The siege was an altogether relaxed affair. People and supplies moved freely in and out of the castle by boat. There were even suspensions of the siege during outbreaks of the plague.<sup>116</sup> Following the death of England's Henry VIII in January 1546/7 and the accession of his son, Edward, Scottish Protestants hoped that, in the name of common religion, England would intervene to support the Castilians.<sup>117</sup> In anticipation of a Protestant success John Knox entered the castle in April 1547.<sup>118</sup> Once in the castle he began teaching some of his students by reading "unto thame a catechisme, a compt whairof he caused thame geve publictlie in the parishe Kirk of Sanctandrois".<sup>119</sup> The only vernacular catechism known to have been available in 1547 was that written by John Winram.

Initially, it was fellow Castilian John Rough who promoted the reformers' cause by his public preaching in the parish church of Holy Trinity.<sup>120</sup> Knox contented

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rationalise Bale's observations when no Catechism by Winram survives. Further, Winram's Catechism in St Leonard's library was either a manuscript draft of Hamilton's work, or a printed copy corrected in accordance with the draft (Law, *The Catechism of John Hamilton*, xxvi-xxvii). Such tortuous interpretations of the evidence are unnecessary and have not been employed to explain away other early records of now lost works. John Durkan believes the author of Hamilton's Catechism to be Richard Marshall, Dominican Prior of Newcastle. Durkan, 'Cultural Background', 326-329.

<sup>115</sup> Bonner, 'The Recovery'.

<sup>116</sup> Pitscottie, *Historie*, II, 86.

<sup>117</sup> Donaldson, *James V-VII*, 28, 75-76.

<sup>118</sup> Sanderson, *Cardinal of Scotland*, 64-68; Knox, *Works*, I, 185-188.

<sup>119</sup> Knox, *Works*, I, 186.

<sup>120</sup> Rough was a Dominican friar who had been a chaplain to Regent Arran and had subsequently joined the Castilians, regularly preaching in the parish church. It was he who inaugurated Knox into his preaching ministry within the castle. Knox, *Works*, I, 187-188.

himself with fortifying “by his pen” the “doctrine of the Preacher” against the constant haranguing which Rough received from John Annand, canon of the priory and principal of St Leonard’s College.<sup>121</sup> The exchanges at the church between Rough and Annand reached a climax when Annand, having had his arguments refuted, appealed to the authority of the Church of Rome which, he said, “damned all Lutherianes and heretikes; and tharefoir he nedith no farther disputatioun”.<sup>122</sup> Annand refused to dispute any further but his attempt to stop the exchanges failed. Knox rose to argue that Annand’s stance was fatally flawed since the Church of Rome, from which he claimed his authority, was none other than “the synagog of Sathan”.<sup>123</sup> Seeking to continue the public exchange and to elevate it to a more formal level Knox offered:

by woord or wryte, to prove the Romane Church this day farther degenerat from the puritie which was in the dayis of the Apostles, then was the Church of the Jewes from the ordinance gevin by Moses, when thei consented to the innocent death of Jesus Christ.<sup>124</sup>

As vicar general and as subprior Winram would have been aware of the series of exchanges between Annand and Rough, if not actually present at them. The parish church of St Andrews was appropriated to the priory and one of its canons, Robert Oglivy, was the vicar so it would have fallen to the priory to determine who had access to its pulpit. The decision that Knox should preach in Holy Trinity Church rather than deliver his arguments in writing, so that they were accessible to the

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<sup>121</sup> Knox, *Works*, I, 188.

<sup>122</sup> Knox, *Works*, I, 188.

<sup>123</sup> Knox, *Works*, I, 189.

<sup>124</sup> Knox, *Works*, I, 189.

ordinary people, if not instigated by Winram would certainly have been sanctioned by him.<sup>125</sup>

An impressive array of clerics joined the townspeople who assembled the following Sunday to hear Knox preach, his first known public sermon. Winram was accompanied by John Mair, canons of the priory and Dominican and Franciscan friars. The sermon covered the corruption of the Church of Rome, justification by faith alone and the blasphemy of identifying the Pope as the Head of the Church. Knox's attack on the Roman Church was considered to have struck at its very roots and to have been more intense than that by George Wishart the previous year. In conclusion Knox challenged those present that if they believed him to have misquoted or misinterpreted "Scripyure, doctour, or historye" he was willing to confer with them on the matter.<sup>126</sup> Despite calls for the clerics and doctors who had heard the sermon to defend the Pope and his authority "which in thare awin presence is so manifestlie impugned" there was no immediate response by those present.<sup>127</sup> Winram conspicuously failed to challenge any of Knox's assertions, so much so that John Hamilton, who had been promoted to the archbishopric of St Andrews in October 1546 but was yet to be admitted to the office, complained to him as vicar general:

That he wondered that he suffered sic hereticall and schismaticall doctrin to be tawght, and nott to oppone him self to the same.<sup>128</sup>

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<sup>125</sup> Knox, *Works*, I, 189.

<sup>126</sup> Knox, *Works*, I, 188-192.

<sup>127</sup> Knox, *Works*, I, 192.

<sup>128</sup> Knox, *Works*, I, 193 and notes.

Winram responded by initiating a disputation. He organised a widely representative convention between himself, a number of Dominicans and Franciscans, and John Knox and John Rough to debate on nine articles which had been drawn from Knox's doctrine.<sup>129</sup> The nine articles selected for debate were:

- I. No mortall man can be head of the Church.
- II. The Pape is ane Antichrist, and so is no member of Christis mysticall body.
- III. Man may nether make nor devise a religioun that is acceptable to God: butt man is bound to observe and keap the religioun fra God is receaved, without chopping or changing thair of.
- IV. The Sacramentis of the New Testament aucht to be ministred as thei war institut by Christ Jesus, and practised by his Apostles: nothing awght to be added unto thame; nothing awght to be diminished from thame.
- V. The Messe is abominable idolatrie, blasphemous to the death of Christ, and a prophanatioun of the Lordis Supper.
- VI. There is no Purgatorie, in the which the saules of men can eyther be pyned or purged after this lyfe: butt heavin restis to the faythfull, and hell to the reprobate and unthankfull/unfaythfull.
- VII. Praying for the dead is vane, and to the dead is idolatrie.
- VIII. There is no Bischoppes, except thei preach evin by thame selfis, without any substitut.
- IX. The teindis by Goddis law do not appertene of necessitie to the Kirkmen.<sup>130</sup>

Knox knew that the opportunity offered by the convention could prove to be decisive for the reformers. He was still an unknown cleric in minor orders, but Winram was one of the most influential prelates of the realm. Conscious of the subprior's sympathy for reform Knox, like Wishart the previous year, tried to manoeuvre Winram into supporting Protestantism openly by affirming the disputed doctrines. Knox began:

<sup>129</sup> By having a widely representative convention Winram avoided a charge of holding a biased disputation - either for or against the disputed doctrine - and gave the decision of the convention greater authority.

<sup>130</sup> Knox, *Works*, I, 193-194.

I, for my parte, praise my God that I see so honorable, and appearandlye so modest and qwyet ane auditure. But becaus it is long since that I have heard, that ye ar one that is not ignorant of the treuth, I man crave of yow, in the name of God, yea, and I appell your conscience befor that Supreme Judge, that yf ye think any Article thare expressed contrarious unto the treuth of God, that ye oppone your self plainelie unto it, and suffer nott the people to be tharewith deceaved. But, and yf in your conscience ye know the doctrin to be trew, then will I crave your patrocinye thareto....<sup>131</sup>

The impact that Winram's approval would have on the credibility of the Protestants' stance was clear to Knox:

by your authoritie, the people may be moved the rather to beleve the trewth, whareof many dowbtes be reassone of our yowght.<sup>132</sup>

However, it was Winram who was in control and this entire episode is indicative of his astuteness. It achieved many things. First, archbishop Hamilton was silenced, since Winram pursued a recognised course of conducting a learned debate to settle disputed matters.<sup>133</sup> Second, the Protestant reformers were permitted to air their views in a format similar to the public disputations which had preceded burgh reformations on the Continent.<sup>134</sup> Third, Winram himself had a legitimate position through which he could satisfy his own growing interest in the Protestant reformers, and in the doctrines they supported, without exposing himself to a charge of Nicodemism which private inquiries might attract.

Winram presented his actions as those of an enquirer rather than a judge. "I came nott hear as a judge", he said, "but only familiarlie to talk".<sup>135</sup> His opening

<sup>131</sup> Knox, *Works*, I, 194-195.

<sup>132</sup> Knox, *Works*, I, 194-195. This reading is supported by all but one manuscript of Knox's *History* which gives the alternative "... be reassone of your thoughtes". Knox, *Works*, I, 195 notes.

<sup>133</sup> Bernd Moeller, 'Disputations' in *Oxford Encyclopaedia of the Reformation*, I, 487-490.

<sup>134</sup> Peter G. Wallace, 'Cities' in *Oxford Encyclopaedia of the Reformation*, I, 354-360; Hamm, 'Urban Reformations'.

<sup>135</sup> Knox, *Works*, I, 195.

remark, “the strangeness ... of these Articles, which ar gaddered furth of your doctrin, have moved us to call for you, to hear your awin answeres”, was not that of one hoping to lure Knox into a false sense of security.<sup>136</sup> Rather it shows that Winram was keen to discuss openly the controversial issues which his public offices had hindered him from doing so freely. Winram did not lead, or even participate in, the whole disputation himself, but only the opening exchanges. He did not want to become embroiled in a way which could subsequently be used against him (by either side): “I will nether allow nor condempne; butt yf ye list, I will reassone”.<sup>137</sup>

Far from telling Knox he was in error, Winram asked him to explain why he thought it was the Church of Rome that was in error. Avoiding the first two articles concerning the Pope, Winram focused on church ceremonies:

Why may nott the Kirk ... for good causes, devise Ceremonies to decore the Sacramentis, and other Goddis service? ... It is in fayth that the ceremonyes ar commanded, and thei have proper significationis to help our fayth; as the hardis in Baptisme signifie the rowchnes of the law, and the oyle the softnes of Goddis mercy; and lyikwyese, everie ane of the ceremonyes has a godly signification, and tharefoir thei boyth proceed frome fayth, and ar done into faith.<sup>138</sup>

After further exchange with Knox on the same subject Winram withdrew from the disputation instructing a Franciscan, Arbuckle, to “follow the argument. Ye have heard what I have said, and what is answered unto me again”.<sup>139</sup>

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<sup>136</sup> Knox, *Works*, I, 194.

<sup>137</sup> Knox, *Works*, I, 195. Winram's exchanges with Knox were far removed from the exacting and damning arguments that he was capable of when seeking to win a dispute. One of the best examples of Winram's ability to argue his point came many years later when defending his right to the lands of Craigtown and Lumbo against the daughters of Lord James Stewart. See below, pages 242-246.

<sup>138</sup> Knox, *Works*, I, 195. Winram's preoccupation with church ceremonies may indicate a particular area over which he and Knox disagreed.

<sup>139</sup> Knox, *Works*, I, 197.



However, rather than continuing to ask Knox to explain his position Arbuckle announced that he would “prove plainlye that Ceremonyes ar ordeyned by God”.<sup>140</sup>

But he struggled to overcome Knox’s appeal to the scriptural command:

Not that thing which appearis good in thy eis, shalt thou do to the Lord thy God, but what the Lord thy God hes commanded thee, that do thou: add nothing to it; diminish nothing from it.<sup>141</sup>

Unable to find a scriptural warrant for the Church’s ceremonies Arbuckle argued that the Church was not bound by scripture since:

the Apostles had not receaved the Holy Ghost, when thei did wryte thare Epistles; but after, thei receaved him, and then thei did ordeyn the Ceremonies.<sup>142</sup>

At this point Winram felt compelled to interject, chiding the friar for the foolishness of his arguments:

Father, what say ye? God forbide that ye affirme that; for then fayre weall the ground of our fayth.<sup>143</sup>

Once again, as during his sermon at Wishart’s trial, Winram appeared to be appealing to Scripture as the ultimate authority.

The disputation ended without resolution of the Articles in question. Winram then initiated a series of sermons to be given each Sunday in the parish church by “everie learned man in the Abbay, and in the Universitie”, thereby bringing the disputed doctrines into a larger public arena.<sup>144</sup> Winram himself delivered the first

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<sup>140</sup> Knox, *Works*, I, 197.

<sup>141</sup> Knox, *Works*, I, 199, cf. Deuteronomy chapter 4 v. 2

<sup>142</sup> Knox, *Works*, I, 199.

<sup>143</sup> Knox, *Works*, I, 200.

<sup>144</sup> Knox, *Works*, I, 201.

sermon in which Knox found nothing offensive.<sup>145</sup> It would not have been unknown to Winram, or unanticipated, that Knox would in turn occupy the pulpit at the weekday services to comment on and counter the Sunday sermons as he saw fit. Knox advised the parishioners that:

Yf in my absence thei shall speak any thing, which in my presence thei do nott, I protest that ye suspend your judgement till that it please God ye hear me agane.<sup>146</sup>

Knox did not record any occasion in which he challenged the sermons delivered by Winram and his fellow preachers. Perhaps the need never arose. Indeed, Knox praised God that “Christ Jesus is preached, and nothing is said publictly against the doctryne ye have heard [from me]”.<sup>147</sup>

During the months immediately after Wishart’s martyrdom Winram appears to have decided in favour of extensive reform within the Church. At this stage such reform could still be achieved in association with Rome. Publishing his vernacular catechism was only an initial step. In the three-or-so months after Knox entered the castle the chain of events orchestrated by Winram and played out in St Andrews produced little short of a burgh Reformation. Townspeople had gathered to hear the new doctrines disputed between John Rough and John Annand in the parish church, and wanted to hear the doctrines expounded further by John Knox. After an official challenge to the proceedings by John Hamilton a disputation, involving representatives from all the major religious groups, was held. This was followed by

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<sup>145</sup> Knox, *Works*, I, 201. Knox’s statement that the sermons were “penned to offend no man” is understood to mean “composed” to offend no man, although Calderwood has rephrased this to read “Sermons were printed to offend no man”. Calderwood, *History*, I, 237.

<sup>146</sup> Knox, *Works*, I, 201.

<sup>147</sup> Knox, *Works*, I, 201.

widescale public preaching in a manner sufficiently “reformed” to be acceptable to John Knox. These events in St Andrews culminated in the occupiers of the castle and “a great number of the toune” participating in “the Lordis Table” in what Knox, writing in 1566, described as “the same puritie that now it is ministrat in the churches of Scotland”.<sup>148</sup>

Knox and Winram may have been content with the situation in the town, others were not. What had been permitted under Winram’s authority was so radical that some unnamed priests and bishops were “enraged at these proceadingis, that war in Sanctandros”. Protesting to the Governor, the Queen Dowager, and to the Privy Council, they warned that events in the burgh threatened “this hole realme to be infected with pernicious doctrin”.<sup>149</sup> In the event, neither the Governor nor the Council attempted to intervene. At the end of June 1547 the religious innovations in St Andrews were halted when French galleys entered the Firth of Forth. The castle was recaptured the following month and Knox and many of his fellow Castilians were taken prisoner.<sup>150</sup>

## From Catholic to Protestant Reformer

By the end of the 1540s to be a reforming catholic, seeking reform of the Church in Scotland without breaking with Rome, was an acceptable position to hold

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<sup>148</sup> Knox, *Works*, I, 201-202. Knox goes on to state that at the time of writing his history, some 30 years later, 200 witnesses still survived who could testify that the apostate Sir James Balfour of Pittendreich participated in this sacrament. The same witnesses could have testified against Knox if his claims of reform in the burgh were fictitious. Knox, *Works*, I, 202. (In Calderwood’s account Knox’s 200 witnesses have multiplied to 2000. Calderwood, *History*, I, 238.) Winram had previously supported George Wishart’s request to receive the Mass in both kinds. See above, page 38.

<sup>149</sup> Knox, *Works*, I, 202-203.

<sup>150</sup> Knox, *Works*, I, 203-207.

openly. On the international scene the first meeting of the Council of Trent had been held in December 1545 to discuss the reform of the Catholic Church. Nationally, attempts to address the need for reform were led by John Hamilton. A month after his enthronement as the archbishop of St Andrews in June 1549 he presided over a General Provincial Council of the Scottish Church in Linlithgow and a subsequent session, or second Council, in Edinburgh in November.<sup>151</sup> 1549 marked the beginning of a ten-year attempt to reform the Catholic Church in Scotland, with further councils being held in 1552 and 1559.<sup>152</sup>

The 1549 Council passed a statute concerning “the method and order of preaching” and called for catechetical teaching by all preachers. The Council felt it necessary to give a clarifying definition of the subjects to be covered in such “public teaching or instruction”:

Catechism is what we call a short instruction in the rudiments of the faith or in an exposition of the articles of the Creed, the precepts of the Decalogue, the seven deadly sins, the seven sacraments of the Church. The Lord’s Prayer, and the Hail Mary, and in the works of mercy.<sup>153</sup>

Although Winram’s catechism had been available since 1546 it never achieved wide circulation and a second catechism was issued in the name of Archbishop John

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<sup>151</sup> There are no extant records from the Linlithgow Council but many of its statutes were re-enacted or expanded at the Edinburgh meeting.

<sup>152</sup> Although these are the only Councils from which records are now extant it is possible that other Councils were held in the decade to the Reformation. Burleigh, ‘Scottish Reforming Councils’, 189-211; Winning, ‘Church Councils’. There are no extant Records from the Council which was called to meet in either Edinburgh or St Andrews or Linlithgow on 14 August 1550. It is possible that the show trial of Adam Wallace, which took place in Edinburgh at that time and was attended by many high ranking clergy (including John Winram) and lords, replaced the Council. Patrick, *Statutes*, 134 and notes; Knox, *Works*, I, 237-241; *Acts and Monuments*, V, 636-641.

<sup>153</sup> Patrick, *Statutes*, 108.

Hamilton following the 1551/2 Provincial Council.<sup>154</sup> Hamilton's catechism described itself as:

ane commone and catholik instructioun of the christin people in materis of our catholik faith and religioun, quhilk na gud christin man or woman suld misknaw.<sup>155</sup>

It was issued in part because:

the inferior clergy of this realm and the prelates have not, for the most part, attained such proficiency in the knowledge of the holy Scriptures as to be able, by their own efforts, rightly to instruct the people in the Catholic faith and other things necessary to salvation, or to convert the erring....<sup>156</sup>

It was approved "after the most elaborate revision" indicating, perhaps, that the Council may have revised an existing catechism rather than drawing up a new one. It is plausible, too, that Hamilton's catechism was an amended edition of Winram's earlier work.<sup>157</sup> Despite the reforming ethos of the 1550s Winram does not seem to have repeated the innovative religious practices which he instigated in 1547. His known activities in the years to the Reformation are confined to his participation in the Reforming Councils.

By the later 1550s support for reform outside the Church of Rome had consolidated into a recognisable force and now included many of Scotland's leading nobles. In March 1556/7 Lord James Stewart, having heard Knox preach in 1555/6, was one of the signatories to a letter requesting the reformer to return to Scotland

<sup>154</sup> *The catechisme set furth be Johne Archbischope of Sanct Androus*, (St Andrews, 1552), [STC no. 12731].

<sup>155</sup> Law, *The Catechism of John Hamilton*, 1.

<sup>156</sup> Patrick, *Statutes*, 143-144.

<sup>157</sup> The 1552 catechism contained ideas which would have been acceptable to those involved in the events in St Andrews in 1547. It did not include any statements on the Pope or on the Petrine prerogative, but made repeated appeals to the doctrinal authority of General Councils. Its emphasis on "trew and leiffand faith" has also been seen to imply acceptance of a doctrine of justification by faith. Burleigh, 'Scottish Reforming Councils', 205-206.

from Geneva to promote the Protestants' cause.<sup>158</sup> Nine months later three of the four nobles who had written to Knox - the earls of Glencairn and Argyll and Lord Erskine - together with the earl of Morton and Lord Lorn signed the "First Band". In it they agreed to apply their "hole power, substance, and ... verray lyves, to manteane, sett fordward, and establish the most blessed word of God and his Congregation".<sup>159</sup> Many of the Scottish nobility had made their choice. They were prepared to act openly in support of Protestant reform and initiated religious reforms within their households.<sup>160</sup>

Archbishop John Hamilton was in a difficult position. His office forbade him to "thole ... infamouse persons with ... perversett doctrin" within his diocese.<sup>161</sup> How, then, should he deal with his Protestant brother-in-law Archibald Campbell, 4th earl of Argyll? Hamilton pleaded with Argyll to desist from his heretical activities:

knawing and seing the great skaith and dishonour and lack appeirandlye that mycht come tharthrowght, incaise your Lordship remeid not the samyn, haistelly, whareby we mycht bayth be qwyet of all danger, quhilkis dowbtless will come upoun us bayth, yf I use nott my office....<sup>162</sup>

<sup>158</sup> Knox, *Works*, I, 249-251, 267-268. Knox had briefly returned to Scotland and had undertaken a preaching tour in 1555/6.

<sup>159</sup> Knox, *Works*, I, 273-274. Examination of the "First Band" reveals the signature of "John Erskine", previously reported as being that of John Erskine of Dun, is in fact John, 6th Lord Erskine, future earl of Mar. NLS Ch 902 (cf. signatures in NLS MS 2933 fo 1 and NLS MS 73 fo 20, and identification of signatures by Knox, Knox, *Works*, I, 273-274; VI, 674-676.) See too *Proceedings of the Society of Antiquaries of Scotland*, XII, 216-217; Young, 'The Common Band'. I am most grateful to Dr Jane Dawson drawing this information to my attention.

<sup>160</sup> Knox, *Works*, I, 275-276. See J.E.A. Dawson, 'Clan, Kin and Kirk: The Campbells and the Scottish Reformation' in S. Amos, A. Pettegree and H. Van Nierop eds, *The Education of a Christian Society: Humanism and Reformation in Britain and the Netherlands*, (forthcoming) and 'The Protestant Earl and Godly Gael: the fifth earl of Argyll [c.1538-73] and the Scottish Reformation' in 'Life and Thought in the Northern Church in c1100-c1700' ed D. Wood, *Studies in Church History Subsidia* (forthcoming).

<sup>161</sup> Knox, *Works*, I, 279.

<sup>162</sup> Knox, *Works*, I, 279-280.





The archbishop knew the dangers of ignoring his brother-in-law's actions. Argyll, for his part, knew the dangers of the archbishop seeking scapegoats with which to appease his critics and warned Hamilton:

I know, that gif your Lordschip wald use thare counsall, [the spiritual and temporal lords, and the Queen] that wald be blud-schedding and burnyng of pure men, to maik your Lordschip serve thare wicked appetites.<sup>163</sup>

This advice was ignored. Having failed to curb the Protestant activities of his brother-in-law, and with a growing need to demonstrate his authority over the spread of heresy, Hamilton turned his attention on the aged priest Walter Milne.

### *Walter Milne*

Milne had returned to his native Scotland following his conversion to Protestantism while in Germany. Renouncing his priestly vow of chastity he took a wife and fell under the suspicion of heresy. For a time the church authorities merely observed his activities, without taking action against him. However, in his eighty-second year, Milne was seized in Dysart, Fife, as he taught the Ten Commandments in a poor woman's house. He was arrested and taken to St Andrews where he was tried and condemned for heresy.<sup>164</sup> Milne's martyrdom in April 1558 united the inhabitants of St Andrews against the ecclesiastical authorities as never before. His condemnation received no support, so much so that the archbishop's servants had difficulty gathering the materials necessary for the burning. Although Winram attended Milne's trial he almost certainly did so in response to instruction from the

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<sup>163</sup> Knox, *Works*, I, 289.

<sup>164</sup> Dawson, 'Theatre of Martyrdom', 268-270; Pitscottie, *Historie*, II, 130-136; *Acts and Monuments*, V, 644-647, Knox, *Works*, I, 307-308.

archbishop.<sup>165</sup> His prior, Lord James, was absent in France attending his half-sister, Mary, Queen of Scots', wedding, and Winram was left in charge of the priories at St Andrews and at Pittenweem.<sup>166</sup> His temporarily elevated position required him, more than ever, to be in attendance.

Milne's martyrdom did nothing to halt the growing support for Protestant reform in Scotland. The Reforming Council which met in March 1558/9 talked of "this turbulent time, when Lutheranism, Calvinism, and very many other nefarious heresies are being propagated everywhere in this realm".<sup>167</sup> The developing international situation forced the hand of those advocating Protestant reform. In England, the Catholic Mary Tudor had been succeeded by Elizabeth and the activities of her Reformation Parliament, which had been meeting since January 1558/9, were interpreted as offering support to the cause of the Scottish Protestants. The importance of the English situation was heightened by the threat of renewed Catholic persecution following the European peace settlement of Cateau Cambrésis, between the Catholic Kings, Henry II of France and Philip II of Spain. For many in Scotland the prospect of internal reform had ceased to be a viable option, the time for a decisive move towards Protestant reform had arrived.

<sup>165</sup> Unlike Sir Patrick Learmonth, provost of St Andrews, Winram could not dissociate himself from the affair simply by leaving town.

<sup>166</sup> The priory's chartullary records many transactions between March 1557/8 and September 1558 carried out in the name of Pittenweem priory by John Winram as "*subprior Sanctiandree ac commendatarius specialis nobis*". NLS Adv. 17.1.3 new fos 266v-284v *passim*.

<sup>167</sup> Patrick, *Statutes*, 150.

*St Andrews' Priory*

St Andrews' priory was also ready to embrace Protestant reform. In the 1550s unprecedented numbers of new recruits entered the Augustinian priory. After an increase of only two canons in the decade following Patrick Hepburn's admission, the numbers in the chapter rose by seven in the decade 1541-1550, but by fourteen, an increase of more than 50%, in the decade 1551-1560. These figures represent the overall increase in the chapter size. The actual number of 'new' canons who entered the priory in the decade before the Reformation was twenty-three (far in excess of the average nine men per decade who had joined the priory in the previous forty years).<sup>168</sup> (Appendix 1) Of these new canons, twenty-two survived after 1560 and eighteen of them, over 80%, served in the reformed church.<sup>169</sup> (Appendix 2) By the middle of the 1550s the priory was dominated by reform-minded canons, headed by Winram and by his reforming prior. Although in this period Lord James, as an adult, exercised the priorship *de jure* it was still Winram who was the effective leader. In light of his activities in St Andrews in 1546-47 it is plausible that the subprior was the great attraction for these evangelical canons.

By 1559 Winram had made a firm decision for Protestantism. He attended the national Council held in Edinburgh in March 1558/9 but he did so anticipating the success of Protestant reform. On 28 February 1558/9, the day before the Council

<sup>168</sup> The deaths of nine existing canons accounts for the lower overall level of increase of fourteen men.

<sup>169</sup> One canon, Robert Achesoun, is not recorded beyond 1555. That he was brought by several lairds to Kelso to preach in 1553 may indicate reforming sympathies. 25 August 1553, William Kerr to the Queen Dowager, *Mary of Lorraine Corresp.*, 368. Those canons who are not known to have served in the reformed Church are Andrew Fethe (died c. 1562), John Rule, Ninian Rule and Archibald Skirling. The two Rule brothers were the sons of John Rule, prior of Pittenweem and their membership of St Andrews' priory may have had more to do with fulfilling conditions necessary to secure pensions promised to them in 1550 for their education than with their religious calling. Dilworth, 'The Augustinian Chapter', 133.

began, Winram secured from his prior an acquittance for all his intromissions with priory finances, giving protection for himself from future claims of financial redress by any new church authority:

We James be ye permission of God prior commendatar of ye abbay of Sanctandrois and convent of ye samen grantis ws to have ressavit to ye vtilitie and proffest of oure place fra oure lovit dene Jhone Wynrame supprior of our said abbay ye soume of ane hundreth pundis vsuale money of Scotland in compleit payment of all soumeis of money intromittit wyth be hym for ye setting of ye aikaris of Sanctandrois in feu firme to ye cietonaris of ye samen toun. And for ye renewing of ye pure tennentis takis of ye lordschip and priory of Sanctandrois. And als in compleit payment of all vtheris soumes of money pertening to ws or oure said abbay and intromittit wyth be him in ony tyme bigane vnto ye day of ye dait heirof ... And yairfor for now and eveir exoneris quitclamis and dischargis ye said dene Jhone his airis executoris successoris and assigneis of ye foirsaid hundreth pundis and of all vtheris soumes of money ressavit and intromittit wyth be him pertening to ws and oure said abbay in ony tyme bipast....<sup>170</sup>

The Council gave notice of its intention to meet again in February 1559/60, but events overtook it.<sup>171</sup> By the middle of 1559 burgh Reformations were taking place in Ayr, Dundee and in St Andrews.<sup>172</sup> Winram's unrecorded efforts to promote the cause of the Protestants are perhaps most evident in the number of canons of St Andrews' priory who, like him, were rapidly recognised as suitable to hold office in the protestant church. The priory supplied the reformed Church in Scotland with sixteen ministers, six readers or exhorters and, of course, one superintendent.<sup>173</sup>

<sup>170</sup> NLS Adv. 17.1.3 new fo 170r.

<sup>171</sup> Patrick, *Statutes*, 187-188.

<sup>172</sup> Sanderson, *Ayrshire and the Reformation*, 90-104; Knox, *Works*, I, 300; Dawson, 'Ane perfyrt reformed kyrk'.

<sup>173</sup> See Appendix 2.

## Chapter 2

### The Theory of Superintendence

#### The Theory of the First Book of Discipline

## PART II

## SUPERINTENDENCY

## Chapter 2

### The Theory of Superintendency

#### I

#### *The Theory of the First Book of Discipline*

Once he had openly adopted Protestantism, John Winram was rapidly utilised by the leaders of the Reformation. Drawing on the experience he had gained in preparing his own catechism, he was asked to assist in writing the *Confession of Faith* adopted by the 1560 Reformation Parliament, and the *First Book of Discipline*.<sup>1</sup> The December 1560 General Assembly included Winram in its first list of clerics judged fit to minister and teach within the Reformed Kirk.<sup>2</sup> Four months later, without ever serving in a parish, Winram was elected superintendent of Fife, Fotherick and Strathearn.<sup>3</sup>

The public edict issued by the minister and kirk session of St Andrews announcing Winram's impending election asserted that:

wythowt the cayr [of] superintendentis, neyther can the kyrk be suddenlie erected, neyther can th[ei] be retened in disciplin and unite of doctrin.<sup>4</sup>

This statement identified the superintendents as the *sine qua non* of the Reformed Church in Scotland in its early years. With no practical experience to draw on the

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<sup>1</sup> Knox, *Works*, II, 128. Winram was one of the "six Johns" who undertook these works. The others were Spottiswood, Willock, Douglas, Row and Knox.

<sup>2</sup> *BUK*, I, 4.

<sup>3</sup> *RStAKS*, I, 72-75. Winram's election took place on 13 April 1561. See below, pages 97-99.

<sup>4</sup> *RStAKS*, I, 72-75.



session's high expectation of superintendents rested upon the description of their duties given in the *First Book of Discipline*.<sup>5</sup>

### Justifying the Office

In directing the most able ministers into supervisory roles the reformers opened themselves to the charge of depriving the under-staffed parishes of clergy. Only months earlier, such a charge had been directed at Elizabeth I by Christopher Goodman, who was now actively involved in the Reformation in Scotland, and minister of St Andrews. In "making lordly bishops before the realme is provided of necessary ministers" the English Queen had "offended" Goodman and "wounded godly hearts".<sup>6</sup> The compilers of the *First Book of Discipline* anticipated resistance to their proposals and provided a lengthy defence of their scheme - outlining the reasons both for introducing the office of superintendent, and for its accompanying large stipend.<sup>7</sup>

The *First Book of Discipline*'s justification rested upon expediency. "At this time" the realm could ill afford to restrict its most able ministers, those "whom God hath endowed with his singular graces", to one parish.<sup>8</sup> Ten men placed into the

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<sup>5</sup> An overview of the superintendents' office is given in Cameron, 'The office of Superintendent'. The *First Book of Discipline*'s section on superintendents attracted particular attention when it was first mooted. When describing the document the writer of the *Diurnal of Occurents* recorded only the facts that it required twelve superintendents to be appointed, the details of their stipend and of the provision for their families after their death, and details of ministers' and readers' stipends. *Diurnal of Occurents*, 63. In a similar vein, the writer of *Lord Herries' Memoirs* began his description of the document with the role of superintendents in replacing bishops, and their stipends, before going on to note the document's "Recantation and Renunciation of all the heads of doctrine formerlie teached in the Church". *Lord Herries' Memoirs*, 52.

<sup>6</sup> 26 October 1559, Christopher Goodman to William Cecil, CSP(S), I, 256-257.

<sup>7</sup> FBD, 115-116.

<sup>8</sup> FBD, 115.

c.750 vacant parishes would have little impact upon the massive need for education and evangelisation within Scotland: "the greatest part of the Realme" would remain "destitute of all doctrine".<sup>9</sup> It would be better to assign these exceptional men a large geographical area, with a remit to "plant and erect Kirkes, to set, order, and appoint Ministers ... where none are now".<sup>10</sup> Such oversight would involve a large amount of travelling, not required of parish ministers. Therefore, the superintendents should receive a larger stipend. Each superintendent was assigned almost seven times as much grain as a parish minister<sup>11</sup> and six hundred merks (£400) per year, giving a total annual income of c.£700.<sup>12</sup>

## Election

Although expediency was cited to justify the need for superintendents the proposed manner of their election shows that a degree of permanence was nevertheless intended. Two distinct methods of election were approved. A temporary procedure for the initial appointments made "in this present necessity", and a permanent procedure for use after a period of three years, when it was envisioned that

<sup>9</sup> Estimates of the number of reformed ministers and the number of vacant parishes are difficult to construct. James Kirk calculates that by 1561 c.240 men had been recruited to the reformed ministry, filling 25% of the c.1000 parishes in Scotland. Kirk, *Patterns*, 130-131.

<sup>10</sup> *FBD*, 115. The argument that "the profit of many kirks was to be preferred to the profit of one particular" was used by the General Assembly when rejecting the complaint of the parishioners of Calder that the admission of John Spottiswood to the superintendentship of Lothian had deprived them of their minister. 4 July 1562, *BUK*, I, 18.

<sup>11</sup> Superintendents were to receive the equivalent of 448 bolls of grain, ministers at least 66. *FBD*, 109-110.

<sup>12</sup> 'Conversion' rates between bolls, chalders and money have been taken from Kirk, *Patterns*, 168-169. This figure is comparable with the figure of 1000 merks given in both the *Diurnal of Occurents*, 63; and in *Lord Herries' Memoirs*, 52. Unlike the parish clergy who were to have their stipends met by their congregation, the superintendents' stipends were to be raised at the discretion of "the Prince and councell of the Realme". *FBD*, 110.

the religious situation in Scotland would have stabilised.<sup>13</sup> The first method of election was criticised as being not so “straight” as “afterwards it must be”.<sup>14</sup> It required nomination by the Lords, or by their commissioners, followed by a formal, although largely symbolic, election, after which the burgesses of the relevant diocese were to be informed.<sup>15</sup>

The permanent method of appointing superintendents was to be a very public and demanding affair: a “sharp examination, approbation of the ministers and Superintendents with the publicke consent of the Elders and people”.<sup>16</sup> The ministers, elders and deacons of the chief town of a vacant diocese, together with the magistrates and town council, would draw up a short-list of two or three candidates. These names would be published and a period of thirty days allowed for objections to be raised. These objections, if any, were to be made in person on the day of election. On that day, too, the whole company of ministers of the diocese, together with three or more superintendents, would conduct a thorough, public examination of the learning, manners, prudence and ability to govern the Kirk of each candidate. Each candidate would then give a public sermon. Only then were those convened called upon to vote, both in their own person and by proxy of those “committed to their care”. This involved procedure was designed to ensure that only the most worthy candidate would be “burdened with the charge”.<sup>17</sup> If a vacant diocese failed to initiate the appointing procedure within twenty days of the vacancy, the right to nominate,

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<sup>13</sup> *FBD*, 123-128.

<sup>14</sup> *FBD*, 123.

<sup>15</sup> *FBD*, 123-124.

<sup>16</sup> *FBD*, 126.

<sup>17</sup> *FBD*, 125-127.

but not the right to examine and elect, passed to the three adjacent dioceses with consent of their ministers and superintendents.<sup>18</sup>

## Duties

Keen to distinguish superintendents from pre-reformation bishops the *First Book of Discipline* stipulated strict standards of behaviour and levels of activity. Superintendents “must not be suffered to live as your idle Bishops have done heretofore”.<sup>19</sup> First, and foremost, all superintendents were to be preachers.<sup>20</sup> Second, they were to be active and effective overseers, both by planting new churches and administering discipline. Negligence in either of these “chiefe points” of his office would result in a superintendent’s deposition.<sup>21</sup>

## Preaching

In terms of volume, the *First Book of Discipline*’s instructions regarding preaching were dwarfed by those regarding visitations. Nevertheless preaching was

<sup>18</sup> *FBD*, 125. The *First Book of Discipline* gave no details of any admission ceremony for superintendents. A formal “Form and Order of Election of the Superintendents, quhilk may serve also in Electioun of all uther Ministers”, describing the ceremony used at the admission of John Spottiswood, is extant. (Knox, *Works*, II, 144-150). It is likely that this Order was followed at the other admissions. Some details of Winram’s admission can be found in the Kirk Session minutes of St Andrews. *RStAKS*, I, 72-75. See below, pages 97-99. Information on the remaining admissions has not been preserved other than Randolph recording the names of some of the nobles who attended Willock’s admission. 24 September 1561, Randolph to Cecil, *CSP(S)*, I, 555-557; and the burgh council of Edinburgh noting John Knox’s summons to attend the election of John Erskine of Dun. *Burgh Recs. Edinburgh*, III, 129.

<sup>19</sup> *FBD*, 122.

<sup>20</sup> The desire for all superintendents to be preachers was passed on to bishops when they were re-introduced into the Kirk after the 1572 Convention of Leith. Thus when Andrew Graham was presented to the bishopric of Dunblane in 1574, concerns were voiced because he was not a “preacher”. *BUK*, I, 325.

<sup>21</sup> *FBD*, 123.

pre-eminent. The *Scots Confession* proclaimed the first “note” of the “True Kirk” to be “the true preaching of the word of God”.<sup>22</sup> Every minister of the Reformed Church was, above all else, a minister of the Word. Superintendents were no exception. The *First Book of Discipline* made clear that their very identity stemmed from a “difference betwixt *Preachers*”.<sup>23</sup> The amount of preaching to be undertaken by a superintendent was considerable. Although he did not serve any one parish, in the course of his visitations he was to occupy a pulpit three times a week, “at the least”.<sup>24</sup> Even while resident in his principal town whose kirk, as the best reformed in his district, was well served by its minister it was stipulated that the superintendent “must” be likewise engaged in preaching in that church.<sup>25</sup>

Such a high level of preaching contrasted with that expected of a pre-reformation bishop. By the mid-sixteenth century it was common to describe bishops as “dumb dogs”, unwilling, or unable, to preach.<sup>26</sup> Although when John Knox and John Winram engaged in the 1547 disputation only one of the articles selected for debate concerned bishops, the aspect that was focused upon was the requirement for bishops to preach. “Thare is no Bischoppes”, claimed Knox, “except thei preache evin by thame selfis, without any substiut”.<sup>27</sup> The following year in sanctioning, by revising and summarising, Henry Balnavis’ treatise *On Justification by Faith* Knox

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<sup>22</sup> *Scots Confession*, 44.

<sup>23</sup> *FBD*, 115, my own italics. The close parallel between parish ministers and superintendents is also demonstrated by the issuing of only one order of admission for both. See above, note 18.

<sup>24</sup> *FBD*, 122.

<sup>25</sup> *FBD*, 122.

<sup>26</sup> In the 1530s Alexander Seaton commented that “it behoved a Bischope to be a preacheur, or ellis he was but a dume dogg”. Knox, *Works*, I, 46. Such a description of bishops was also used in the *First Book of Discipline*, *FBD*, 160 and notes, 207.

<sup>27</sup> Knox, *Works*, I, 194. See above, pages 43-46.

again noted that “the principall office of a bishop is, to preach”.<sup>28</sup> The 1549 Reforming Council had considered it a marked improvement to require bishops to preach four times in a year.<sup>29</sup> Although the Reforming Council of 1558/9 called for an increase in this frequency it did so in passive terms, noting that bishops should preach “even oftener” (but only so often as could be done “conveniently”).<sup>30</sup>

### Visitation

A second “chief point” of a superintendent’s office was visitations. In defining the jurisdictions of each superintendent the authors of the *First Book of Discipline* rationalised the old diocesan boundaries. Using the largely natural boundaries of sheriffdoms, the thirteen disjointed dioceses were replaced by ten self-contained provinces. These were of greatly different geographical sizes but each had roughly one hundred parishes. The ten new dioceses were: Orkney, Ross, Argyll, Aberdeen, Brechin, St Andrews, Lothian, Glasgow, Jedburgh and Dumfries.<sup>31</sup> Each new district, bar Argyll, had a recognised major urban centre which was to be the chief residence of the superintendent.<sup>32</sup>

<sup>28</sup> Knox, *Works*, III, 26. Balnavis’ original Treatise is given in the same volume, Knox, *Works*, III, 433-542. The call to preach was not exclusive to bishops who were merely one of several ranks of clergy called upon to preach more frequently. Patrick, *Statutes*, 98-99, 101-102, 124-125, 136, 156-157, 171-175.

<sup>29</sup> Patrick, *Statutes*, 103-104. Although headed by the volume editor as “[That rectors and bishops preach in person four times in the year]” the actual statute refers only to rectors. The association of this statute with a requirement for bishops to be likewise engaged in preaching stems from a 1551/2 statute re-approving “that formerly published statute anent the exposition of God’s Word to be held by rectors and bishops four times a year”. Patrick, *Statutes*, 136. Such ambiguity may be indicative that the original 1549 statute was only with hindsight thought appropriate to bishops. Winning, ‘Church Councils’, 339.

<sup>30</sup> Patrick, *Statutes*, 171.

<sup>31</sup> *FBD*, 116-121.

<sup>32</sup> The corresponding chief residences were Kirkwall, the Chanonry of Ross, Argyll, old Aberdeen, Brechin, St Andrews, Edinburgh, Glasgow, Jedburgh and Dumfries.



Although assigned a principal town a superintendent was not to reside there for more than three or four months in a year. Instead, he was to travel throughout his diocese remaining in no place longer than twenty days. Every year a superintendent was expected to visit his whole diocese, after which he could return to his chief residence for a short period. During this break he was to remain active within that parish. Having rested, the superintendent was “compelled” to re-enter the visitation of his diocese.<sup>33</sup> The annual visitation of around one hundred parishes, over a geographical area upto several thousand square miles was no mean task.

Initially, at least, the majority of parishes had no minister or kirk session. It fell to the superintendent to ensure that “their kirkes be planted and provided of Ministers, or at the least of Readers”.<sup>34</sup> Many of the early visitations would be carried out for the purpose of “planting” a new kirk. In such cases the superintendent was to remain a “month or lesse ... for establishing of the Kirk” before “changing to another” for the same purpose.<sup>35</sup> When visiting an established kirk, the superintendent was to examine the life, diligence and behaviour of the minister, the order of the kirk, the manners of the parishioners, the provision for the poor and the instruction of the youth. He was to admonish those at fault, give counsel in areas of dispute, and take cognisance of all heinous crimes for later censure by the Kirk.<sup>36</sup>

To aid him in the oversight of his diocese the superintendent had the assistance of his council, or court. This court was the kirk session, the elected elders

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<sup>33</sup> *FBD*, 122-123.

<sup>34</sup> *FBD*, 122.

<sup>35</sup> *FBD*, 109.

<sup>36</sup> *FBD*, 122-123.

and deacons and the ministers, of the superintendent's principal town of residence.<sup>37</sup> The *First Book of Discipline* stipulated only three functions of this court. First, if a vacant parish failed to elect a minister within forty days the superintendent with his court could intervene and present a suitably qualified man to the congregation.<sup>38</sup> Second, the court was to assist the superintendent to examine those men presented to parishes.<sup>39</sup> Third, it was to receive annual reports from each congregation on the "life, manners, study and diligence" of their parish minister.<sup>40</sup> Nothing was said concerning the manner or frequency of meeting of the court or how it might assist a superintendent to prosecute the crimes uncovered during his visitations.<sup>41</sup>

### Disciplining of Superintendents

The superintendents themselves were not above reproof. The *First Book of Discipline* stressed the necessity of the superintendents to be subject to the discipline of the whole church. Each superintendent "must" conform to the correction and censure of the ministers and elders within his district. On discovering an offence these men were to consult with one or two adjacent superintendents who, together with their own respective ministers and elders, would sit in judgement. Ignoring the offences of a superintendent was not to be tolerated. If a superintendent, guilty of "things that are worthy of correction", was accused by a neighbouring superintendent then the district ministers and elders were to be chastised for their "negligence and

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<sup>37</sup> *FBD*, 96.

<sup>38</sup> *FBD*, 96.

<sup>39</sup> *FBD*, 97-99.

<sup>40</sup> *FBD*, 177.

<sup>41</sup> *FBD*, 122-123.

ungodly tollerance" in failing to accuse and correct the offence themselves.<sup>42</sup> Superintendents were to be "Servandis, Watchemen, and Pastoris of the Flock", not "tyrantes, nor lordes".<sup>43</sup> At their election every superintendent gave a public affirmation to be "subject to the Discipline of the Kirk, as the rest of your Brethren". In agreeing, the superintendent promised obedience to all public and private admonitions. If he failed to be obedient he was to be deposed from office and "ejected ... frome the society of the Faythfull".<sup>44</sup>

### Bishops in all but Name?

The *First Book of Discipline* strove to distinguish the new office of superintendent from the old office of bishop. However, whether the Scottish superintendents were bishops in all but name has been the subject of considerable debate. Many reformers did not object to the office of bishop *per se*. In 1558 Walter Milne refuted a charge that he denied the office of a bishop. His quarrel lay not in the office "as Paul byddeth wrytyng to Timothy" but rather in the fact that "they whom ye call Byshops, do no Byshops workes".<sup>45</sup> The biblical understanding of the role of bishops was one of a godly overseer, with great attention placed on the standards of their behaviour. From such simple beginnings the understanding of the role and function of bishops had become dominated by the idea of government of the church by bishops *via* an hierarchical episcopacy.

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<sup>42</sup> *FBD*, 126-127.

<sup>43</sup> So stated in 'The Forme and Ordour' first used at Spottiswood's admission. Knox, *Works*, II, 147.

<sup>44</sup> Knox, *Works*, II, 147.

<sup>45</sup> 1 Timothy chapter 3 vs 1-9. This passage describes the qualities of a good bishop but does not describe his function. Similarly Titus chapter 1 vs 7-9. Knox, *Works*, I, 553.

### *"Godly Bishops" and Superintendents*

That the Scottish superintendent can be identified with a so-called 'godly bishop' who possessed no sacramental superiority over his fellow clergy has been posited by Gordon Donaldson.<sup>46</sup> The chief functions of such 'godly bishops' were to preach and to administer oversight.<sup>47</sup> Such a narrow, biblical, definition does indeed resemble the *First Book of Discipline's* description of a superintendent and superintendents did share many similarities with 'godly bishops'. But so too did parish clergy who also taught and administered oversight within their own parish and over their own subordinates such as readers and exhorters. Donaldson appears to confuse the role of a 'godly bishop' with that of a pre-reformation bishop. He gives a convincing argument that the activities expected of a superintendent mirrored those expected of a 'godly bishop', but Donaldson fails to establish that a 'godly bishop' can be equated with a pre-reformation bishop. By the sixteenth century the duties of a bishop had expanded beyond those of a godly, or biblical, bishop. The sixteenth-century bishop was not only responsible for teaching and oversight but also was uniquely responsible for sanctification.

Despite the missing link Donaldson nevertheless concludes that "the superintendent's resemblance to the bishop, in externals as well as in substance, was much closer than has usually been allowed".<sup>48</sup> Moreover, if individual superintendents resembled bishops then the office of superintendency resembled the episcopacy: "the superintendents performed most of the administrative, disciplinary

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<sup>46</sup> Donaldson, *Scottish Reformation*, chapter 5, especially 115-116.

<sup>47</sup> Donaldson, *Scottish Reformation*, 109.

<sup>48</sup> Donaldson, *Scottish Reformation*, 125

and judicial functions which in an episcopal system pertain to bishops".<sup>49</sup> A consideration of the episcopal activities *not* required of the superintendents and, consequently, the powers not conferred on them, reveals the disparity between them and the pre-Reformation bishops.

### ***"Pre-Reformation Bishops" and Superintendents***

An understanding of the role and function of bishops, immediately before the Reformation, is given in Archbishop Hamilton's catechism of 1552. Both bishops and priests were to be known by their irreproachable behaviour, their offering of prayers for the people and their preaching.<sup>50</sup> However, bishops were unique. Without them the church could not function.<sup>51</sup> Hamilton's catechism explicitly states: "the powar of ane bischop is to minister certane sacramentis, quhilk the simpil prestis may nocht do".<sup>52</sup> Only bishops could administer the sacraments of Confirmation and Orders.<sup>53</sup> They alone could confirm new members of the church. And they alone could ordain men into clerical orders.<sup>54</sup> By retaining the exclusive authority to administer these two sacraments bishops controlled the spiritual authority in the church. Bishops also controlled ecclesiastical discipline. They held the "powar of jurisdiction in preeminence and dignity abone ane simpil preist."<sup>55</sup> In theory, only

<sup>49</sup> Donaldson, *Scottish Reformation*, 124. Donaldson notes that the entire office of superintendency could also resemble the presbytery.

<sup>50</sup> Law, *The Catechism of John Hamilton*, 140.

<sup>51</sup> Mullan, *Episcopacy*, 2.

<sup>52</sup> Law, *The Catechism of John Hamilton*, 234.

<sup>53</sup> Law, *The Catechism of John Hamilton*, 233.

<sup>54</sup> Although not stated in Hamilton's catechism, it also fell to bishops alone to consecrate fellow bishops.

<sup>55</sup> Law, *The Catechism of John Hamilton*, 234.

they could excommunicate. Bishops also held the power both to curse and to release from cursing.<sup>56</sup> This range of powers exclusive to bishops was not paralleled by those given to superintendents. In neither the administration of the sacraments nor in the admission of ministers to a clerical office or laity to membership of the church did superintendents possess exclusive powers. The *First Book of Discipline* rejected the concepts of a sacerdotal priesthood and of apostolic succession through episcopal continuity.

The Reformed Kirk recognised only two sacraments, baptism and communion. As in the Church of Rome these sacraments could be ministered by any "lawful Minister".<sup>57</sup> The episcopal sacraments of Confirmation and Holy Orders were not recognised. The sacrament of Confirmation is largely absent in even a modified form in the Kirk. Neither the *Confession* of 1560, the *First Book of Discipline* nor the *Book of Common Order* give any explicit instruction regarding the manner of admission to the Kirk.<sup>58</sup> An oblique reference is possibly given in the *First Book of Discipline* when it states that none should be admitted to the Lord's Supper

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<sup>56</sup> Law, *The Catechism of John Hamilton*, 234-235. This reflects a division between *potestas ordinis* (the power of priests to preach and administer selected sacraments) and *potestas jurisdictionis* (the power of bishops to administer discipline). *SBD*, 165 notes. A distinction was made between minor excommunication and major excommunication, or cursing. Minor excommunication while involving exclusion from the Eucharist and church burial allowed attendance at preaching and the saying of the hours. Major excommunication was also known as "anathema" and excluded an individual from the community of the faithful, from all human contact and from the sacraments. *Oxford Encyclopaedia of the Reformation*, II, 83-86. At times the bishops' powers were temporarily delegated to others acting in their name as, for example, when John Winram, as a subdelegate of the Official Principal of the bishop of St Andrews, had the authority to order letters of cursing to be executed. 14 December 1541, *Acts of Council (Public Affairs)*, 510-511.

<sup>57</sup> *FBD*, 90. Readers and exhorters were not regarded as "lawful Ministers" and were therefore not eligible to administer the sacraments. *FBD*, 105-107.

<sup>58</sup> *The Book of Common Order*, printed in 1564, derived from the 1556 edition of *The Forme of Prayers and Ministration of the Sacraments, &c. Used in the Englishe Congregation at Geneva*. The *Forme* did include instruction regarding "A brief examination of children, before they be admitted to the Lordes table". It also gave instruction regarding the Lord's Supper, baptism, marriage, visitation of the sick, burial of the dead and the administration of ecclesiastical discipline. Knox, *Works*, IV, 154.



“who can not formally say the Lords prayer, the Articles of the Belief, and declare the summe of the Law.” However, even here, it was the ministers who were to examine the parishioners, not the superintendents.<sup>59</sup> Unlike bishops, the authority to admit people to the full communion of the Kirk lay not with the superintendents but with the parish ministers.

Although the sacrament of Holy Orders was no longer recognised, there was still a need to oversee the admission to clerical office. No one was to preach or to administer the sacraments until “orderly they be called to the same.”<sup>60</sup> Like the sacraments of marriage and penance the sacrament of Holy Orders was adapted and given a non-sacramental interpretation by the Kirk. The non-sacramental procedure consisted of election, examination and admission.

The *First Book of Discipline* states that following public election of a minister by a congregation the prospective candidate was to appear before the “men of soundest judgement” residing in the nearest superintendent’s principal residence. Having demonstrated his ability to expound the Scriptures he was subject to a public examination, conducted by the ministers and elders (not the superintendent) on his understanding of doctrine. A satisfactory performance was followed by a further public exposition before the congregation he hoped to serve. If successful the minister was then admitted to the charge in a simple ceremony which included only “the public approbation of the people, and the declaration of the chiefe minister, that the person there presented is appointed to serve the Church”.<sup>61</sup> The “chief minister”

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<sup>59</sup> *FBD*, 184.

<sup>60</sup> *FBD*, 96.

<sup>61</sup> *FBD*, 96-107 at 102.

was not necessarily the superintendent, who certainly had the authority to “appoint ministers”,<sup>62</sup> but could equally be the parish minister of the superintendent’s chief residence.<sup>63</sup> The exclusive authority of a bishop to admit others to Holy Orders had been dissipated throughout all clergy.

In the field of ecclesiastical discipline pre-Reformation bishops alone had authority to excommunicate. However, as it had done with Holy Orders, the *First Book of Discipline*, devolved this episcopal function onto all ministers alike. Moreover, the “slow and grave” process leading up to an excommunication also involved the kirk session and the congregation. Excommunications were to be issued “by the mouth of the minister, and consent of the Ministry and commandment of the [parish] Kirk”.<sup>64</sup>

The *First Book of Discipline*’s practice of devolving much of the pre-Reformation bishops’ exclusive ecclesiastical powers down through the ranks of the clergy was a rejection of bishops as a separate order and an attempt to avoid

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<sup>62</sup> *FBD*, 115.

<sup>63</sup> Donaldson argues the opposite position: “While the participation of the superintendent in the rite of admission was essential, it was implied that there need not be other ministers to join with him”, Donaldson, *Scottish Reformation*, 120. Implying the superintendent, in effect, could perform the episcopal sacrament of Holy Orders in isolation. In support Donaldson cites from Knox’s account of Spottiswood’s admission where the “chief minister” was joined by “the rest of the Ministers, if ony be”. (Knox, *Works*, II, 149.) The admission ceremony used was intended both for future superintendents and for “all uther ministers” (Knox, *Works*, II, 144). Although, being the first superintendent admitted to office, Spottiswood could not himself be admitted by an existing superintendent, and was thus admitted by John Knox as “chief minister” on the day, Donaldson assumes, but fails to demonstrate, that all subsequent “chief ministers” were superintendents. Moreover, Donaldson fails to account for the remainder of the phrase cited in support of his argument: “the rest of the Ministers, if ony be, and Elders of that Kirk present ...”. Therefore if Donaldson had followed his argument to its natural conclusion there was an essential need for elders to participate in the “rite of admission”. Thus the exclusive episcopal power of ordination had not been transferred to superintendents but to superintendents and elders, by-passing ministers.

<sup>64</sup> *FBD*, 170. Such local-level excommunications are evident in the kirk session records of St Andrews. Although the kirk session also formed Winram’s superintendent’s court it was the exception, rather than the rule, for the excommunication of locals to be dealt with by the higher court. See below, pages 139-144.

empowering any one section of clergy with the potential to become tyrants and lords over the church. Superintendents held none of a bishop's official political and social roles. They did not have a role in either parliament or in council. Nor did they possess the authority or social roles derived from a bishop's administration of church property.<sup>65</sup> Although, in the initial years, the superintendents were pre-eminent in the fields of clerical admission and ecclesiastical discipline they did not hold exclusive powers. Even those powers which superintendents shared with their fellow ministers were subject to the oversight of their own local clergy and elders.

## Antecedents

Superintendents were not simply pre-Reformation bishops in a reformed guise and in looking for their antecedents many sources should be included. Since many and varied duties were placed on the superintendents, both from the *First Book of Discipline* and subsequently by the General Assembly, it is inevitable that some aspects of their role would overlap with those of the pre-Reformation bishops. Yet for the same reason, their role also overlapped with those of other groups of pre-reformation clergy, such as archdeacons and rural deans.<sup>66</sup> Before 1560 the theoretical oversight of a diocese may have lain with the bishops but for over three centuries this function had, in reality, been delegated to the archdeacons and rural deans. In the mid-thirteenth century Bishop David Bernham required his archdeacons

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<sup>65</sup> Kirk, *Patterns*, xx, 171-172.

<sup>66</sup> Scotland was divided into eleven dioceses and two archdioceses, St Andrews and Glasgow, each of which was overseen by a bishop or archbishop respectively. Each bishop had as his subordinate an archdeacon, each archbishop had two. In the case of St Andrews these were the archdeacons of St Andrews and Lothian. In the case of Glasgow these were the archdeacons of Glasgow and Teviotdale. Within a diocese parishes were grouped into deaneries presided over by the rural dean, drawn from the parochial clergy. Dowden, *Medieval Church*, 213.

and rural deans to visit annually all churches within his diocese and submit a written report, taking particular note of the fabric of the churches, churchyards, books and ornaments.<sup>67</sup> In a similar fashion archdeacons and rural deans were to examine the moral life and conversation of the parish clergy within their deaneries.<sup>68</sup> These visitations continued into the sixteenth century but because many visitors would accept bribes to conceal misdeeds their effectiveness was greatly reduced. Corruption was both widespread and well known. Following the Provincial Council of 1549 those admitted to the office of rural dean were to promise "upon oath" to discharge faithfully every aspect of their duties.<sup>69</sup>

The theory underpinning the Scottish superintendents drew on a variety of sources in an attempt to meet the particular needs of the country at the time. It would be naive to think that in drawing up the *First Book of Discipline* the six Johns constructed the document without any consideration for what had been going on in continental Europe during the previous decades. The six Johns had a wealth of personal experience upon which to draw. Willock and Knox had experienced Protestantism both in England and on the Continent.<sup>70</sup> Row had studied in both Rome and Padua and Spottiswood had been in England. Although not frequenters of foreign lands both Douglas and Winram were heavily involved in the University of St Andrews and as such would have had access to Continental writings.

<sup>67</sup> Bernham was Bishop of St Andrews, 1239-1253. Patrick, *Statutes*, 58-59.

<sup>68</sup> Patrick, *Statutes*, 14-15. In particular, "diligent inquiry" was to be made regarding the cohabitation of clerics and women. Some idea of the nature of a visitation can be had from the fifty questions issued to the archdeacons of Lincoln in 1230. In this instance the archdeacon was to enquire, for example, "'Whether rectors, vicars, or parish priests are egregiously ignorant (*enormiter illiterati*)?'; ... 'whether any are married?'; 'whether any are drunkards or frequent taverns?'; ... 'whether any extort money for hearing confessions or for the other sacraments?'" Dowden, *Medieval Church*, 219 notes.

<sup>69</sup> Patrick, *Statutes*, 96-97.

<sup>70</sup> Willock in Emden and Knox in Dieppe, Switzerland, Geneva and Frankfurt.

Those areas which probably exerted the greatest influence over the Scottish thinking were Denmark and Cologne.<sup>71</sup> Like all Lutheran churches, those in Denmark and Cologne retained a reformed episcopacy.<sup>72</sup> In Denmark in October 1536, following the civil war, the Danish Parliament deposed the bishops.<sup>73</sup> In their place "Christianlike" superintendents or bishops were to supervise the pastors and to engage in preaching. The superintendents were not to hold a seat in the Council of State or have any secular authority. In September 1537 an *Ordinatio Ecclesiastica* was adopted.<sup>74</sup> The similarities between this document's and the *First Book of Discipline*'s handling of the office of superintendents are marked. Both documents insist that superintendents must not be permitted to follow the same idle lifestyle of the earlier bishops. Both lay strong emphasis on the preaching duties of superintendents in their chief residences and their diocese. Again, both documents stress the oversight of parish clergy and provision for the poor.<sup>75</sup>

The *First Book of Discipline* also has parallels with Hermann von Wied, archbishop of Cologne's, *Consultation* which was published as part of the city's reform programme.<sup>76</sup> Although the *Consultation* does not contain a separate section on superintendents the office of visitor or superintendent is referred to throughout.

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<sup>71</sup> Donaldson, 'Denmark'; Cameron, 'Cologne'.

<sup>72</sup> As did England.

<sup>73</sup> Extracts of "The Recess of the Diet of Copenhagen, 30 October 1536" are reprinted in Kidd, *Documents*, 325-328.

<sup>74</sup> Extracts of the "Ordinatio Ecclesiastica, 2 September 1537" are reprinted in Kidd, *Documents*, 328-334.

<sup>75</sup> This paragraph is heavily dependent upon Donaldson, 'Denmark'.

<sup>76</sup> *A simple and religious consultation of us Herman ... Archebishop of Cologne ... by what means a Christian reformation ... may be begon among men committed to our pastoral charge*, London, 1547. First published in German in 1543, in Latin in 1545 and in English in 1547.

The Cologne superintendents were to visit annually each congregation and examine the behaviour and competence of each minister and pastor, their marital status, and their level of education. The superintendents played a major part in the discipline of those refusing to be subject to local parish discipline and oversaw the parochial provision for the poor. Superintendents were to oversee confirmations only if the suffragan was unable to do so.<sup>77</sup>

When the office of Scottish superintendent was conceived it was not done with the intention of disguising an appropriately behaved bishop under another name. In devising the role of superintendents the *First Book of Discipline* attempted two things. One was to establish a new office within the church. But this was of secondary importance to emasculating the old office of bishop and elevating the status and duties of parish ministers. The ecclesiastical powers of bishops were disseminated throughout all clergy. No longer, in theory, would any one group of clergy hold exclusive sacramental or disciplinary powers. The political and social powers of bishops were abandoned, and the lack of independent accountability was refuted. It was easier for the compilers of the *First Book of Discipline* to know what they did not envisage for the role of superintendent than for them to articulate, to the smallest detail, what they did want. What a superintendent was *not* was made clear. However, precisely what a superintendent was, and exactly what his job would involve, was not yet fully settled and numerous adjustments and additions were made by the General Assembly in the following decade.

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<sup>77</sup> Cameron, 'Cologne', 49-53. This paragraph relies heavily upon this article.



## II

***The Developments of the General Assembly***

The *First Book of Discipline* had outlined three broad roles for superintendents - planting new churches, preaching, and overseeing existing churches *via* visitations. The task of planting reformed kirks was finite. Once the complete, or near complete, complement of ministers and kirk sessions was achieved the need for a nation-wide means of planting new kirks would evaporate. Some requirements to preach were similarly limited. Much of a superintendent's preaching was to be done in the pulpits of churches not yet served by a minister. This need would diminish as more reformed kirks were established. Other forms of preaching were more permanent. For example, the superintendent would continue to preach both in his chief residence, although it had an established kirk, and during his visitations. The task of administering oversight was different. This role would grow as more reformed churches were established. During its formative years the role of superintendents had to evolve to accommodate the changing circumstances. The agent for controlling these adaptations was the General Assembly to whom, as the national gathering of the church in Scotland, all ministers, including superintendents, were subject.

**Superintendents' Synods**

The first major adaptation to the superintendents' role, sanctioned by the General Assembly, was the superintendents' synods. Neither superintendents alone, nor their courts could adequately fulfil the need for an intermediary between the General Assembly and the parishes. The necessary, district wide bodies were the

superintendents' synods, six-monthly gatherings of lay and clerical representatives of every church within a superintendent's district.<sup>78</sup> These regional courts had a great effect upon the district activities of the superintendents and added a major new dimension to their role. The *First Book of Discipline* had envisioned a superintendent, although ultimately subject to the national church, wielding a large degree of both individual power and individual authority. However, much of the authority subsequently bestowed by the General Assembly, and many of its rulings, were directed not to the superintendents working alone but working *in conjunction* with their synods.<sup>79</sup>

Superintendents' synods drew much of their inspiration from pre-Reformation episcopal, or diocesan, synods - annual gatherings of local clergy summoned by the bishop.<sup>80</sup> The diocesan synods provided a forum for deliberating local issues, and a canonical court for adopting local legislation and adjudicating in

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<sup>78</sup> These synods are not specifically mentioned in the *First Book of Discipline*, and there has been some discussion whether the "germ" of such groups can be discerned therein. The requirement that every inferior church should annually send one of its elders and one of its deacons to "notifie unto the ministers of the Superintendents kirk, the life, manners, study and diligence of their ministers" is cited by Gordon Donaldson, directly borrowing the argument of David Hay Fleming, as possible early evidence of synods. (*FBD*, 177; Donaldson, *Scottish Reformation*, 124; cf. Hay Fleming, *The Reformation*, 277). However, the need to give an annual account does not necessitate the need for an annual gathering.

<sup>79</sup> Superintendents were, from December 1562, joined by annually appointed "Commissioners to Plant Kirks" who had similar, but not identical, remits in vacant districts. The majority of the ordinances of the Assembly concerning superintendents equally applied to these commissioners, but the minutes do not always make this explicit. To complicate matters further, although many of the Assembly's ordinances were directed to the superintendent working in conjunction with the assistance of synod members and/or with the consent of the majority of his synod, this is not always stated explicitly. (The commissioners did not hold synods until 1569/70 (see below, page 81) but it is understood that, prior to this date, they too worked with assistance drawn from the best learned men of their districts). The use of the term "superintendent" in this section should, after December 1562, be understood as referring to "superintendents or commissioners". Moreover, unless specific reference is made to the "superintendent alone" the use of the term "superintendent" should be understood as referring to the superintendent or commissioner operating with assistance from his district.

<sup>80</sup> Unlike national, or provincial, councils which were summoned by the Pope at the request of the Scottish bishops. It was not until 1472 that Scotland gained its first metropolitan at St Andrews after which provincial councils could be called directly by the archbishop.

local controversies. In contrast to the diocesan synods, those of the superintendents were required to meet every six months, during April and October.<sup>81</sup> They had a very large lay involvement. Each church in the district was to send its minister, together with an elder or deacon, to attend.<sup>82</sup> With a fully staffed church half of the two-hundred or so commissioners attending the synod would be lay.<sup>83</sup>

Synods are first mentioned in the surviving records of the General Assembly in December 1562 when the frequency and times of meetings, and the composition of the court was stipulated.<sup>84</sup> However, this date does not mark the inception of these courts. Synodal courts were already meeting. The General Assembly first granted power to superintendents, “in there assemblies synodall” to translate ministers. Only after this did the Assembly “*ordain farther*” the times of meeting and composition of the synods.<sup>85</sup> The role of the synods was to “consult upon the comon affaires of there diocies”.<sup>86</sup> The lack of surviving minutes from synods held during the period to 1572 renders it difficult to unravel their precise function within individual districts.<sup>87</sup> The broad picture given in the minutes of the General Assembly for that period show synods forming an increasingly important intermediate layer of authority within the developing appellate nature of the church courts, rising from kirk sessions, to synods,

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<sup>81</sup> BUK, I, 29.

<sup>82</sup> BUK, I, 29. The importance attached to attendance at synods can be seen from ministers being censured, or even deprived, for not attending. BUK, I, 51, 57, 302. The synod of Fife set fines for those who failed to attend its meetings. See below, chapter 3 note 19.

<sup>83</sup> Both the eldership and the diaconate were lay offices at this time.

<sup>84</sup> 30 December 1562, BUK, I, 29. The surviving records of the General Assembly are incomplete, see Shaw, *The General Assemblies*, 1-12.

<sup>85</sup> BUK, I, 29, my own italics. This ordinance modified the existing, but insufficiently regulated, practices of synods, it did not create a new one.

<sup>86</sup> BUK, I, 29.

<sup>87</sup> The exception being Fife. See below, chapter 3.

to, ultimately, the General Assembly. In the 1560s the dominant understanding of the role of the synod was as a regional court between the General Assembly and the parish.

Recording a formal Order of Appellation in 1563 the Assembly ordered that those dissatisfied by a ruling given by a kirk session were to appeal to the district superintendent and his synod.<sup>88</sup> Any person dissatisfied by the subsequent ruling of the synod could appeal to the next meeting of the General Assembly, whose decision was final.<sup>89</sup> The insistence that appeals originating in parishes were first heard in synods, and only if dissatisfied with the result could the matter be further appealed to the General Assembly, highlighted the role of synods as an intermediate court between the kirk session and the General Assembly.

Over time, matters which came up from the parishes to the Assembly were increasingly pre-filtered through the synods. Originally all commissioners attending the Assembly had the right directly to raise any matter, at any time. Within a few years legislation was enacted to prevent any individual from petitioning the Assembly without the consent of his superintendent in his synod. In 1564, it was ordained that no individual questions would be discussed until after the “affaires of the kirk” had been concluded. Even then, only those questions thought “worthie to be proponit” were to be put in writing and submitted. Of these select questions, any requiring a hasty resolution would be discussed and answered at the conclusion of the sitting Assembly. All others would be referred down to the superintendent in

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<sup>88</sup> This ordinance states that the appeal had to be made within ten days of the ruling of the kirk session. Since the synods met only every six months this would suggest some form of logging of pending business during the months preceding a meeting of the court. *BUK*, I, 32-33.

<sup>89</sup> A similar ten day limit was placed on appeals from synod to Assembly.

whose district they had arisen who, together with “ane certain number of the ministers as they sall think meit to appoint”, would discuss the matter and report their resolution to the following Assembly.<sup>90</sup>

Further acts of the Assembly increased the severity of this grading and filtering of questions.<sup>91</sup> By 1568 legislation had been passed making the superintendents, working in their synods, the preferred court of first instance for almost all questions. The legislation was not always heeded and the Assembly, somewhat curtly, stipulated:

It is statute and ordanit be the haill Assemblie, that ministers, exhorters, reidars, or uthers persons heirafter trouble or molest not the General Assemblie with sick things as superintendents may and aught decyde in their synodall conventiouns; and in any chance to doe heirafter in the contrair, their lettres sall be rejectit.<sup>92</sup>

This ordinance placed the onus on the questioner to decide which court was most appropriate for his question. The judgement of the individuals did not always coincide with that of the General Assembly who felt harassed by inappropriate matters. Within three years the legislation was again tightened and the synods became the *only* court of first instance for matters raised by individuals. In March 1570/1 it was agreed that:

because the Assembly is yearly troubled with solutions of questions, of which some are unprofitable, others may be easily resolved be Superintendents and Commissioners to plant kirks, with the assistance of their Ministers, in their Synodall conventions.... Herefore the haill Kirk assemblit ordaines, That all questions heirafter be proponit and presentit to the Superintendents and Commissioners forsaid, in the said Synodall conventions, there to reseaff their solutiouns: And if any question happins to be hard for them that sall

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<sup>90</sup> 25 December 1564, *BUK*, I, 52.

<sup>91</sup> But have not survived.

<sup>92</sup> 10 July 1568, *BUK*, I, 131.



happin to be at the said conventions, then, and in that case, that the Superintendents and Commissioners of kirks present the said hard questions to the General Assemblies, there to receive their solutioun in their rowme, according to the rule: With certification, that no questions heirafter sall be receivit in General Assemblies from particular Ministers. The same order to be observed anent complaints in all sorts.<sup>93</sup>

Superintendents and commissioners to plant kirks, working in their synods, had become the gate-keepers to the General Assembly. Through them, and them alone, could an individual raise a matter before the General Assembly.

The synods' role was not limited to influencing the agenda of the Assembly.

In 1568 synods were assigned a major new function when they became the electing body of the vast majority of those who would attend the General Assembly. On 6 July 1568 it was acknowledged that due to the "pluralitie of voyces" the existing method of holding Assemblies was not satisfactory.<sup>94</sup> It was therefore concluded that no-one could vote in future gatherings except superintendents, commissioners to plant kirks and elected ministers,<sup>95</sup> together with commissioners of burghs, shires and universities. Both the ministers and the commissioners of shires who would attend the forthcoming Assembly were to be elected by the synods.<sup>96</sup> By 1571 the majority of those attending the General Assembly, and the agenda of much of its business was determined by the synods.

<sup>93</sup> 5 March 1570/1, *BUK*, I, 191-192.

<sup>94</sup> 6 July 1568, *BUK*, I, 124.

<sup>95</sup> These ministers were to be presented to the Assembly, by either the superintendent or commissioner to plant kirks, as "persons abill to reason, and having knowledge to judge". 6 July 1568, *BUK*, I, 124.

<sup>96</sup> Commissioners of burghs were to be appointed by the council and kirk of their own town. In a concluding ordinance the Assembly also agreed that "on aventure that this sould come ane monople and perpetuall electioun of a few certaine ministers and commissioners, it is concludit that they be changeit from Assemblie to Assemblie" 6 July 1568, *BUK*, I, 124. For many years superintendents had been less directly involved in the summoning of commissioners to the Assembly. As early as 1563 they were required to inform all shires, towns and parish kirks within their district of the time and place of forthcoming Assemblies and to warn them to send commissioners to it. 28 June 1563, *BUK*, I, 36.



The success of the synods no doubt contributed to the decision to widen their coverage by permitting not only superintendents but also commissioners to plant kirks to hold them. This significant expansion occurred around 1570. Before July 1569 all General Assembly references to synods refer either to the court alone or to “the superintendent and/in his synod”.<sup>97</sup> Moreover, in December 1567 it was clearly stated that in areas where there was no superintendent, business competent before the “superintendent of the diocie at his synodall conventioun” was to be heard by the General Assembly.<sup>98</sup> Such evidence supports Gordon Donaldson’s claim that “it appears that there was no synod where there was no superintendent”.<sup>99</sup> However, possibly from July 1569,<sup>100</sup> and certainly from March 1569/70, synods were also held by commissioners appointed to plant kirks. This expansion was a natural consequence of the Assembly’s conclusion (in July 1568) that because the Kirk could not appoint sufficient numbers of superintendents it must “appoint commissioners for the self same purpose”.<sup>101</sup> What had begun as a temporary measure of annually appointing commissioners to supply the place of vacant superintendents’ districts was becoming permanent.<sup>102</sup>

<sup>97</sup> For example, 30 December 1562, 26 June 1563, 22 December 1567, 6 July 1568, 10 July 1568, *BUK*, I, 29, 32-33, 111, 124, 131.

<sup>98</sup> 22 December 1567, *BUK*, I, 111.

<sup>99</sup> Donaldson, *The Scottish Reformation*, 124.

<sup>100</sup> 7 July 1569, *BUK*, I, 149. This entry, the tenor of an “Act made for Assignation of Stipends”, ambiguously records that “the Kirk ... gives their full power and commissioun to every superintendent and commissioner of kirks within their awin bounds, that they and every ane of them, be advyse and consent of the commissioners of provinces appointit in the synodall conventions ....” From this statement it is unclear whether the commissioners to plant kirks also held their own synods. It is clear that from March 1569/70 commissioners to plant kirks were holding synods. For example, [-] March 1569/70, [-] July 1570, [-] July 1570, [-] March 1570/1, [-] March 1570/1, [-] March 1570/1, *BUK*, I, 162, 176, 178, 189, 191, 193.

<sup>101</sup> 8 July 1568, *BUK*, I, 130.

<sup>102</sup> There had been a growing identification of the two offices of Superintendent and Commissioner. In December 1564, although only commissioners, Alexander Gordon, bishop of Galloway, and Adam

## Oversight of Parish Incumbents

*Admissions*

Although a task once assigned to the superintendents in their synods,<sup>103</sup> by June 1564 the authority to translate a minister was placed into the hands of superintendents alone.<sup>104</sup> A minister who wanted to change parishes had to make his request known to both his existing parishioners and either his superintendent or the General Assembly who would decide if the move was warranted.<sup>105</sup> By June 1565 no minister was permitted to move between churches without first seeking the advice of his superintendent and his licence in writing.<sup>106</sup>

Superintendents also had to deal with ministers who left the church completely. The poor payment of their stipend was a major factor which drove some parish clergy to seek alternative employment. In 1565 it was expressly forbidden for a minister to leave the kirk due to financial hardship. The Assembly's condemnation of those who did was severe:

Seeing that our master Chryst Jesus pronounces that he [who leaves his vocation and follow the world because he cannot have a sufficient stipend] is

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Bothwell, bishop of Orkney, commissioners of Galloway and Orkney respectively, were both challenged whether they could, in good conscience, "use the office of a *Superintendent*" and be a Lord of Session and a member of the College of Justice. 25 December 1564, *BUK*, I, 52-53, my own italics. In March 1569/70 discussions on stipends invariably treated the two offices together. [-] March 1569/70, *BUK*, I, 172 *bis*. See too Calderwood, *History*, II, 224-225, for his explanation of the minor differences between superintendents and commissioners to plant kirks.

<sup>103</sup> 30 December 1562, *BUK*, I, 29.

<sup>104</sup> Since the synod met only twice per year the opportunities for it to authorise translations were severely restricted. Assigning this task to the superintendents alone allowed greater flexibility.

<sup>105</sup> 29 June 1564, *BUK*, I, 50.

<sup>106</sup> 26 June 1565, *BUK*, I, 61. In June 1565 John Winram had cause to censure the reader at Monyvair for removing without his licence, *BUK*, I, 58. Superintendents did not have *carte blanche* to move ministers where and when they wanted. When, in 1567, a drive was made to move existing ministers into vacant churches where the parishioners undertook to "gladlie sustaine them on their awin expensis" the superintendents had to obtain the consent of "the Kirk and Minister that is found worthie of the place" before ordering a translation. 28 December 1567, *BUK*, I, 113-114.

but ane mercenarie shepheard, who seiing the wolfe comeing, flieth for his awin safeguard, and that the very danger of life cannot be ane sufficient excuse for sick as fall back from Jesus Chryst; We on na wayes thinks it lawfull that sick as once puts there hand to the plough, sall leave that heavinlie vocation and returne to the profane world, for indigence or povertie.<sup>107</sup>

But there continued to be ministers who “deserted their calling”. By 1570 superintendents were required to secure from all new ministers, at the time of their public admission, their solemn oath never to leave their vocation under the pain of infamy and perjury. Ministers already in post were to give the same undertaking before the superintendent at a future synod meeting. All such oaths were to be recorded in the superintendent’s books.<sup>108</sup>

### **Examinations**

It was a priority for all superintendents to examine the competence of those seeking to hold office in the Kirk. Following on from the *First Book of Discipline*, most superintendents’ initial approach was probably similar to that of John Winram. Immediately after his own admission Winram, in his court, adopted a statute for his examination of those kirk personnel already in position within his district, and for his examination and admission of new personnel.<sup>109</sup> By July 1562 it was apparent that the lack of a nationally co-ordinated approach was causing problems, with many parishes being served by unqualified clergy. That summer, in a nation-wide process spearheaded by the superintendents, the General Assembly began cleansing parishes of unsuitable ministers, exhorters and readers.

<sup>107</sup> 25 December 1565, *BUK*, I, 74

<sup>108</sup> [-] July 1570, *BUK*, I, 176.

<sup>109</sup> *RStAKS*, I, 75-76. See below, pages 147-162.

Introducing a formal admissions procedure the Assembly stipulated that “nane be admitted [to hold office in the kirk] without the nomination of the people, and due examination and admission of the superintendent”.<sup>110</sup> Following nomination a candidate was to be examined in the presence of both the superintendent and “the best reformed kirk” nearest to the church he was hoping to serve in. Although the examination was conducted by the superintendent those accompanying him were not mere passive observers. The Assembly insisted that the “judgement” of those “best learned being present” was “always ... [to] be sought in the examination and admission”.<sup>111</sup>

This admissions procedure was also retrospective. Those, who since March 1558/9, were already in a parish were to make supplication for their existing appointment under the same terms as the above Assembly act.<sup>112</sup> Six months were allowed for these retrospective examinations and admissions to be carried out. In December 1562 the Assembly ordered inhibitions to be served on those continuing to serve in parishes who had either not been presented to the superintendent by the people or who, following presentation, had failed the subsequent examination.<sup>113</sup> Those who dared to “contemptuouslie continue in his ministrie” were to be

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<sup>110</sup> 1 July 1562, *BUK*, I, 16.

<sup>111</sup> 30 June 1562, *BUK*, I, 15, cf *FBD*, 97-99.

<sup>112</sup> 1 July 1562, *BUK*, I, 16. The minutes give the year as “1558” but a subsequent entry (*BUK*, I, 59-60) makes it clear that the date is *March* 1558 - i.e. March 1558/9, before John Knox’s return to Scotland on 2 May and the subsequent iconoclastic riots in Perth on 11 May. This early date is comparable with some contemporary dating of the Reformation. For example, *RPC*, I, 162-163; *APS*, II, 535-536 (Act of Oblivion); Balfour, *Practicks*, I, 96-97; Donaldson, *James V-VII*, 92.

<sup>113</sup> And, consequently, had not received the superintendent’s formal appointment.

excommunicated unless they signified, in writing, their obedience to the superintendent and their willingness to comply in future.<sup>114</sup>

The desired cleansing of the parishes of unqualified or disobedient ministers, exhorters or readers was not completed. By December 1564 concern was voiced that the situation was reaching a critical level. In response to murmurs that “manie ignorant men, and of bad conversation, war admitted to be Ministers, Exhorters and Readers” the Assembly ordered a cross-visitation of districts. John Erskine of Dun, superintendent of Angus, was to visit the kirks in Nithsdale, Galloway, Carrick, Kyle, Cunningham and Clydesdale; John Spottiswood, superintendent of Lothian, those in Angus and Mearns; John Willock, superintendent of the West, those in Lothian, Merce and Teviotdaill; and John Knox those in Fife, Strathearn, Gowrie and Menteith.<sup>115</sup>

They were given just six months in which to “try” each of the ministers, exhorters and readers of the bounds assigned to them. If they found people ignorant or unable to fulfil the duties of their office the visitors were either to impose a temporary suspension or permanently to depose them. Spottiswood and Knox completed their visitations and reported their findings to the Assembly in June 1565.<sup>116</sup> Willock and Erskine of Dun, on the other hand, alleged “lawfull impediments” had prevented them from undertaking their visitations. They were given a further four months to do so.<sup>117</sup>

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<sup>114</sup> 29 December 1562, *BUK*, I, 27.

<sup>115</sup> 26 December 1564, *BUK*, I, 54.

<sup>116</sup> 25 June 1565, *BUK*, I, 57.

<sup>117</sup> But there is no record of the visits ever having been completed.

Despite the reservations over its effectiveness, the procedure whereby benefices were set to suitably qualified persons following an examination by the superintendents continued. Indeed, the procedure received endorsement from the Assembly in June 1565 when the Queen Mary was petitioned that:

The benefices now vaikand or hes vaikit since the moneth of March 1558, or that heirafter sall happin to vaike, be disponed to qualified and learned persones, able to prech Gods Word, and discharge the vocation concerning the ministrie, be the tryall and admission of the superintendents ... and that ane law may be made and established heirin be Act of Parliament as said is.<sup>118</sup>

Mary was not convinced, fearing that she would lose much of her patronage rights, and thereby her income.<sup>119</sup> The Kirk's insistence that such a move was designed to secure the examination of candidates, not the patronage rights of benefices, failed to persuade the Queen otherwise.<sup>120</sup> It was not until December 1567, after Mary's abdication, that such an act was presented to Parliament by Regent Moray and approved:

Item It is statute, and ordanit ... that the examinatioun and admissioun of Ministeris within this Realme, be onlie in power of the Kirk, now oppinlie, and publictlie professit within the samin ... the patroun presentand ane qualifiyt persoun ... to the Superintendent of that partis, quhair the benefice lyis, or vtheris hauand comissioun of the Kirk....<sup>121</sup>

This act had an immediate effect. Within days Mr Thomas McGibbon, minister at Fowlis, Maderity and Kinkell in Strathearn, was the first of hundreds to have his presentation to a benefice recorded in the Privy Seal before being referred to his superintendent for trial of his abilities:

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<sup>118</sup> 26 June 1565, *BUK*, I, 59-60.

<sup>119</sup> 25 December 1565, *BUK*, I, 68.

<sup>120</sup> 25 December 1565, *BUK*, I, 69-70.

<sup>121</sup> *APS*, III, 23.



Ane lettir maid ... presentand Maister Thomas McGibbun ... to the personage of Monydie ... liand within the superintendandrie of Stratherne ... direct to the said superintendent of Stratherne desyring him to tak tryall and consideratioun of the said Maister Thomas conditionis, maneris, knowlege and doctrine and, if he findis him sufficientlie qualifiit in the premissis ... to confirme and gif him collatioun thair of ... conforme to the actis of parliament  
 ....<sup>122</sup>

Although those presented to benefices were conscientiously referred to the superintendents for examination (over 400 referrals were made in the first decade following the act) the examinations themselves were not so punctilious. The failure of some superintendents conscientiously to examine those presented to them for admission was so marked that in August 1571 the Assembly exhorted all superintendents:

to be circumspect and warie in giving their letters testimonials to ony persons presented to benefices, except to such allenerly as they perfectly should know, due examination preceding, to be able to instruct and teach sincerely in the Kirk of God, as they would answer, first to God, and thereafter to his kirk.<sup>123</sup>

Despite repeated shortcomings the procedure whereby superintendents were required to examine and admit all those presented to hold offices within the kirk continued. The procedure may have been far from perfect but there was no viable alternative.<sup>124</sup> The speed and flexibility of response afforded by one person, working

<sup>122</sup> 2 January 1567/8, *RSS*, 6/82.

<sup>123</sup> 6 August 1571, *BUK*, I, 198

<sup>124</sup> The exclusive validity of examinations and admissions by superintendents was challenged in March 1570/1 when Archibald Douglas, a senator of the College of Justice, sought admittance to the parsonage of Glasgow through a presentation given under the privy seal by the recently assassinated Regent Moray. Andrew Hay, commissioner of Clydesdale, refused to entertain Douglas' request because the presentation was not made in accordance with the accepted order. An appeal by Douglas to the Assembly likewise failed, although it was willing to issue another presentation in the accepted order. Douglas took leave to appeal to Parliament, the King's Majesty, his Regent, Secret Council, Lords of Session or any of them found competent, to issue him with "a sufficient and lawfull testimonial upon his provision ... *to be as sufficient as if the Commissioner or Superintendent had given the same.*" [-] March 1570/1, *BUK*, I, 192-193, my own italics.

with the assistance of a few, could not be matched if the process was referred to a larger body such as the synod.

### *Discipline*

Superintendents held a particular remit regarding the disciplining of kirk personnel, be they ministers, exhorters, readers, elders or deacons. It was emphasised at an early stage that all kirk personnel, including the superintendents, were subject to the corporate discipline of the kirk. All office bearers were to lead by example and in June 1562 arrangements were made for the regular examination of the “doctrine, lyfe, manners and conversation” of the superintendents, ministers and elders at the General Assembly itself.<sup>125</sup> Superintendents were to proclaim throughout their districts the willingness of office bearers to be subject to examination and parishioners were invited to submit their complaints to the Assembly.<sup>126</sup>

In reality the disciplining of church personnel passed through several stages before reaching the General Assembly. Elders and deacons were, in the first instance, subject to the discipline of their own minister and kirk session. Ministers were specifically instructed by the Assembly to admonish disobedient elders “according to the rule of Chryst”.<sup>127</sup> If any elder refused to obey this admonition the minister was to

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<sup>125</sup> 29 June 1562, BUK, I, 14. *cf.* FBD, 122-123. From June 1562 superintendents, although still liable to accusation by the ministers and elders of their districts (who were commissioners to the Assembly), were always examined before the General Assembly. In March 1569/70 this examination procedure became enshrined as the second order of business at each Assembly following the choosing of the new moderator. 1 March 1569/70, BUK, I, 157. See below, chapter 4.

<sup>126</sup> 29 June 1562, BUK, I, 14.

<sup>127</sup> A reference to Christ’s instruction: “If your brother does wrong, go and take the matter up with him, strictly between yourselves. If he listens to you, you have won your brother over. But if he will not listen, take one or two others with you, so that every case may be settled on the evidence of two or three witnesses. If he refuses to listen to them, report the matter to the congregation; and if he will not

refer the matter to the superintendent, in his court. Continued disobedience by an elder could result in his excommunication upon the advice of the superintendent.<sup>128</sup> The disciplining of ministers, readers and exhorters also took place in the superintendent's court. Only if this district court failed to remedy a situation was it raised before the Assembly. Initially, complaints to the Assembly were given verbally by the superintendent and the non-ministerial commissioners of the district.<sup>129</sup> Later, complaints were given in writing by the district superintendent alone.<sup>130</sup>

In December 1565 a further layer of disciplinary procedure to be used with kirk personnel was added. Rather than being referred directly to the General Assembly, ministers, exhorters and readers who disobeyed the rulings of their superintendents in their courts were to receive a second trial before the superintendent and a select group of ordained ministers. This small group of "discrete" men had authority immediately to suspend from office those who refused their injunctions.<sup>131</sup> They also had the authority to suspend a miscreant's stipend. The superintendent was to report the disciplinary proceedings of this group to the next meeting of the General Assembly which could impose further censure upon the recalcitrant or grant restoration to the penitent.<sup>132</sup>

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listen even to the congregation, then treat him as you would a pagan or a tax-collector." Matthew, 18: 15-17, Revised English Version.

<sup>128</sup> 1 July 1562, *BUK*, I, 16.

<sup>129</sup> For example, 28 December 1562, *BUK*, I, 26.

<sup>130</sup> 25 June 1565, *BUK*, I, 75. This appears to be part of a general revision of the complaints procedure which followed on from the mass cross-visitation of districts. (See above, page 85). At this time it was agreed that complaints against superintendents were also to be submitted in writing, rather than verbally.

<sup>131</sup> If this course of action was adopted the superintendent himself had to supply the vacant parish.

<sup>132</sup> 25 December 1565, *BUK*, I, 65-66.

## Oversight of Education and Publications

It was not only church personnel over whom superintendents exercised supervision. The fields of education and publication were also placed into their care. Paralleling the procedure adopted for kirk personnel, the Assembly repeatedly petitioned the crown that no-one be permitted to have charge of schools, colleges or universities, or be allowed to give public or private instruction to the youth, except those who had been both tried and admitted by the superintendents. The trial to be undertaken was not so much to measure their teaching ability, but to ensure that they were "able in doctrine".<sup>133</sup> The Kirk's stance was confirmed by an act of parliament in December 1567 "Anent thame that salbe teicheris of the youth in sculis" which stated:

Forsamekle, as be all Lawis and constitutionis it is prouydit, that the zouth be brocht vp and instructit in the feir of God, and gude maneris: and gif it be vtherwyse, it is tinsell baith of thair bodyis and saulis, gif Goddis worde be not rutit in thame Quhairfoir, our Souerane Lord, with aise of my Lord Regent, and thre Estatis of this present Parliament, hes statute and ordanit, that all Sculis to Burgh and land, and all vniversiteis, and Colleges be reformat: And that nane be permittit nor admittit to haue charge and cure thairof in tyme cuming, nor to instruct the zouth priuatlie or oppinlie: bot sic as salbe tryit be the Superintendentis or visitouris of the Kirk.<sup>134</sup>

<sup>133</sup> 26 June 1565, *BUK*, I, 60; 25 July 1567, *BUK*, I, 108.

<sup>134</sup> *APS*, III, 24. See also the petition to the parliament, 3 December 1567, *APS*, III, 38. The practice of the church overseeing the doctrinal stance of teachers was vividly illustrated in 1569 when the principal, sub-principal and regents of the College of Old Aberdeen were tried. In the High Kirk of New Aberdeen John Erskine, superintendent of Angus and Mearns, at that time also commissioner of Aberdeen and Banff, and the ministers and commissioners of the district met to decide whether the university staff were of the reformed religion or "corrupt with Popery and errors". The regents had already been summoned and tried before Regent Moray and the Privy Council where they refused to subscribe to the Scots Confession of Faith or the Acts of Parliament of August 1560 or December 1567. They also refused to join themselves to the Kirk and be subject to its jurisdiction. In light of this Regent Moray and the Privy Council declared the university regents to be "dangerous, and unmeet to have the cure of the instruction of the youth, for the perril of inconveniences both to body and soul", deprived them of their offices, and informed the district superintendent of their decision. Relieved of the burden of trying the university regents, those gathered in the High Kirk contented themselves with the formality of pronouncing sentence against them, conforming to the decree of the Privy Council. 5 July 1569, *BUK*, I, 141-144.

In 1563 the church strove to determine which doctrines could and which could not be promulgated. No work concerning either “religioun or doctrine” was to be printed without it first having been presented to the superintendent. If he, together with a selection of the “most learned within his bounds”, approved the work it could be printed. If they could not reach a unanimous decision the text was remitted to the General Assembly.<sup>135</sup>

### Oversight of Finance

Superintendents were also expected to exercise oversight in diverse financial areas. One major field over which they held jurisdiction was stipends. A superintendent was responsible for submitting the names of all ministers, exhorters and readers, within his district, together with the dates of their admission to office, to enable their correct stipends to be paid.<sup>136</sup> This information formed a “book of the ministers stipends” and was retained by a central “keeper”.<sup>137</sup> There was a requirement for superintendents to pass judgement on the application, although not necessarily on the competence, of the office bearers in their districts. In periodically revising these books the superintendents would note those ministers “who have not diligently waited on their charges”. The Collectors of the Thirds were to pay the stipends in accordance with the superintendents’ judgements.<sup>138</sup> All complaints,

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<sup>135</sup> 27 June 1563, *BUK*, I, 35.

<sup>136</sup> 28 December 1562, *BUK*, I, 26; 10 March 1569/70, *BUK*, I, 164.

<sup>137</sup> 24 July 1567, *BUK*, I, 105; 10 March 1569/70, *BUK*, I, 164.

<sup>138</sup> 24 July 1567, *BUK*, I, 105-106.



arising in the parishes, regarding stipends were to be directed to the superintendents alone.<sup>139</sup>

In July 1569 the General Assembly adopted “the Act made for Assignatioun of Stipends” which greatly increased the superintendents’ role in assigning stipends. This act authorised superintendents, with the advice and consent of commissioners appointed in their synods, to:

give and make particular assignatiouns to every minister, exhorter and reidar within their awin bounds, *as they sall find the same most expedient*.<sup>140</sup>

Nine months later this power was reaffirmed when the General Assembly further ruled:

That every Superintendent, or Commissioner for the time, shall modifie the stipends, augment or diminish the same, as occasione shall serve, with the assistance of the bretheren presently nominated; providing they report the said stipends, the Ministers names hereafter to be planted, the augmentation or diminution of the stipends, to the register of the Ministers and their stipends; noting the time of appointing of the stipend, the entry of every minister, and time of augmentation of the stipend....<sup>141</sup>

Superintendents, in their synods, oversaw virtually all aspects of church stipends, becoming known as the “modifiers of stipends”.<sup>142</sup>

In 1567, following the Queen’s abdication the kirk assumed from the Crown the task of collecting the thirds of benefices which had been assigned to the kirk and

<sup>139</sup> 1 July 1562, *BUK*, I, 16. Similarly on 28 December 1563 all ministers wishing to present supplications regarding the payments of their stipends were required, by the General Assembly, to present them to their superintendents who, in turn, would present them to the Privy Council. *BUK*, I, 40.

<sup>140</sup> 7 July 1569, *BUK*, I, 149, my own italics.

<sup>141</sup> 10 March 1569/70, *BUK*, I, 164.

<sup>142</sup> *BUK*, I, 179. The main text reads “moderators of stipends” but is corrected to read “modifiers” in the corrigenda, *BUK*, III, liv. One area which was not assigned to either the superintendents or the commissioners to plant kirks was the determination of their own stipends. These were assigned directly by the General Assembly. 7 July 1569, *BUK*, I, 149.



Crown in 1561.<sup>143</sup> From 1570 superintendents, together with the ministers of their districts or the majority of their synods, were given authority to “choose and depose” the collectors for their districts.<sup>144</sup> As with the ministers, exhorters and readers in their districts, superintendents were required to report to the Assembly the “diligence and fidelity” of the collectors in their districts. Failure to execute his office satisfactorily would result in a collector’s dismissal.<sup>145</sup>

At times superintendents were expected to turn their fiscal hand to quite diverse matters. In 1562, the General Assembly appointed the superintendents to confer with the Privy Council on who should pay for the expenses of the communion elements.<sup>146</sup> The following year they were to negotiate for the teinds on the ground due to the earls, lords, barons and tacksmen within their bounds to be paid to the poor labourers.<sup>147</sup> After 1570 the General Assembly required superintendents, with the assistance of their chosen assessors, to determine the yearly price of victual and to “notify the samen to collectors *in such quiet maner as they shall think expedient*”.<sup>148</sup> An unusual demand on the superintendents came in 1563 when the Assembly required each to organise a collection within their own bounds “for sex brethren taken at Rowan, and detained in the galeys for want of ransom”.<sup>149</sup>

<sup>143</sup> 22 December 1561, *APS*, II, 606-607. For more details see *Thirds of Benefices*.

<sup>144</sup> [-] March 1569/70, [-] July 1570, *BUK*, I, 162, 178. See below, pages 254-256, for John Winram’s relationship with his cousin, Robert Winram, Collector of the Thirds in Fife.

<sup>145</sup> [-] July 1570, *BUK*, I, 178. The Crown resumed the task of collecting the thirds in 1573.

<sup>146</sup> 31 December 1562, *BUK*, I, 30.

<sup>147</sup> 28 December 1563, *BUK*, I, 40.

<sup>148</sup> [-] March 1569/70, *BUK*, I, 161 my own italics. The need for discretion when implementing such modification is, perhaps, indicative of a fear of disturbing the market.

<sup>149</sup> 31 December 1562, *BUK*, I, 44. *i.e.* for those captured at the fall of the Huguenot town of Rouen in 1562.

## Oversight of Buildings

One often overlooked area of a superintendent's oversight was buildings. A parliamentary act, "Anent the uphalding and reparelling of paroche kirkis and kirk yairdis of the samin for buriall of the deid", was passed in June 1563.<sup>150</sup> The urgent repair of kirks was necessary since without a building preaching, reading the common prayers and administering the sacraments ceased "and the people thairthrow becumis altogidder without knowlege and feir of God".<sup>151</sup> The task of implementing the act was remitted to the Privy Council. When they met in September 1563 the Council detailed the standard of repairs required and the means by which the maintenance of the buildings was to be funded thereafter. They had no need to stipulate who would oversee and co-ordinate the mammoth task. This had already been decided and acted upon by the General Assembly three months earlier.

In June 1563 the Assembly had remitted to the superintendents the task of determining which of the kirk buildings within their bounds were in need of "reparation or re-edifieing".<sup>152</sup> Superintendents were responsible for initiating and monitoring the repair work and for securing redress from those parishes which refused to carry out the work. The process began with the superintendents causing an officer of arms to execute official letters at the dilapidated kirk. The superintendents were then to monitor the parishioners' conformity and if the repairs were not carried out to seek further remedy from the Privy Council. This was an involved process which could fail at a very early stage. Apparently voicing a difficulty faced by his

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<sup>150</sup> 4 June 1563, *APS*, II, 539-540. The act was re-ratified in December 1567, *APS*, III, 38.

<sup>151</sup> 13 September 1563, *RPC*, I, 247-248.

<sup>152</sup> 26 June 1563, *BUK*, I, 34.

fellow superintendents, John Winram excused his negligence in getting churches repaired by recounting that he could not secure any officers of arms to execute his letters.<sup>153</sup>

Superintendents were also to demonstrate a detailed knowledge of the manses in their districts, for example, which manses were retained by pre-Reformation parsons and vicars who had not been admitted to office in the Reformed Kirk, and which manses had been set in feu.<sup>154</sup> In 1569 Regent Moray issued instructions to the General Assembly that each superintendent, with assistance, was to visit every manse and kirk glebe within his district to determine their sizes, the names of their occupiers and their right and title so to do.<sup>155</sup> This information formed the basis of a report to the Regent and the Privy Council. This district visitation was considerably more than a mere fact-finding mission. If he believed a manse and/or glebe were occupied by non-kirk personnel without a valid title then the superintendent was to give the possession over to the parish minister or reader.<sup>156</sup>

## Summary

Despite their growing fields of activity the basic understanding of the superintendents' office in the early 1570s still conformed to that of the early 1560s. When asked, as late as July 1570, "What is the jurisdiction of a superintendent, and how far is it extended be Gods word" the Assembly had no reservations in deferring

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<sup>153</sup> 5 July 1570, *BUK*, I, 175.

<sup>154</sup> 21 December 1562, *BUK*, I, 30.

<sup>155</sup> Superintendents were to have the assistance of "four, three, or two godly, discreet, and wise men". *BUK*, I, 147.

<sup>156</sup> 31 July 1569, *BUK*, I, 147-148.

to their original understanding and replied, "Remitt the answer to the Book of Discipline".<sup>157</sup>

However, in reality much had changed. In the decade or so following the Reformation the Assembly modified many existing tasks and assigned numerous additional tasks to the superintendents. Of the three basic functions of the superintendents, planting new churches, preaching and administering oversight, described in the *First Book of Discipline* those concerning oversight came to dominate. Within a decade, the superintendents and their synods developed into an integral part of the Kirk's nationwide mechanism of control and order. When combined with the superintendents' courts, the local to national-level chain of command and control which the superintendents led gave the Kirk an unprecedented network of influence. How this worked in practice can be seen in the activities of John Winram.

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<sup>157</sup> [-] July 1570, *BUK*, I, 179.

## Chapter 3

### The Practice of Superintendency in Fife

#### I

#### *Winram's Election to Office*

According to Thomas Randolph, Sunday 9 March 1560/1 was the day appointed to "choose in divers places for all the shires, 'superintendantes, knowne and learned men.'"<sup>1</sup> In fact, the names and allocations of the superintendents had already been decided and Randolph went on to give details of some of those who would be chosen: "Mr Willockes for Glasgow and that country - for St. Andrews, the subprior of the same". Randolph's information was accurate. Winram was admitted as superintendent of Fife, Fotherick and Strathearn shortly after, on Sunday 13 April 1561.<sup>2</sup>

Winram's election took place within the parish church of St Andrews.<sup>3</sup> In recording the edict of his election the St Andrews' kirk session noted that the Privy

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<sup>1</sup> 5 March 1560/1, Randolph to Cecil, *CSP(S)*, I, 523. cf. Knox who states that the five superintendents who were appointed were nominated nine months earlier in July 1560, before the *First Book of Discipline* was even commissioned and fully six months before it was adopted by the General Assembly. Knox, *Works*, II, 87. It seems likely that Knox is mistaken in his chronology. Material from this chapter has been utilised in Dunbar, "Synods and Superintendence", see Appendix 6.

<sup>2</sup> *RSIAKS*, I, 72-75. Willock was admitted as superintendent of Glasgow and the West on 14 September. 24 September 1561, Randolph to Cecil, *CSP(S)*, I, 555-557. The long delay between Willock's nomination and admission could, in part, be due to his reticence in accepting the office, which was conditional on the appointment being "only for a time", *BUK*, I, 39; *DSCHT*, 874. The *First Book of Discipline* envisioned the appointment of ten or twelve superintendents. In reality only five were ever commissioned. In addition to Winram and Willock were John Spottiswood, who was admitted as superintendent of Lothian on the same day as the nominations; John Erskine of Dun, for Angus by January 1561/2; and John Carswell, for Argyll at an unknown date. Knox, *Works*, II, 144-150; *DSCHT*, 806-807; *Burgh Recs. Edinburgh*, III, 129.

<sup>3</sup> St Andrews' cathedral, being superfluous to the needs of the town, had been abandoned by the Reformed Kirk in 1559. Dawson, 'Ane perfyte reformed kyrk', 418; McRoberts, 'Material Destruction', 443.

Council had directed its "charge" to the ministers, elders and deacons of Fife to publish edicts for Winram's election, as the Lords' nominee for Fife.<sup>4</sup> On 20 March 1560/1 the ministers, elders and deacons of the diocese of St Andrews publicly intimated the forthcoming election.<sup>5</sup> All earls, lords, barons, burgesses, ministers, elders and any others to whom the right to vote in the election of such chief ministers "appertained" were to be present in the parish church of Holy Trinity on Sunday, 13 April 1561.<sup>6</sup>

The day would have been a long one.<sup>7</sup> Assembling at 9 am the proceedings would have begun with a sermon.<sup>8</sup> The sermon over, a preamble narrating the nomination and charge of the Privy Council and that due public notification of the election had been given was read out. Winram's successful election was not a foregone conclusion. All those present were free to raise objections and they would

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<sup>4</sup> *RStAKS*, I, 72-75. Thus the role of the Lords was limited to nominating Winram to the post and charging the relevant authorities in Fife to proceed with his admission. This was in accordance with the procedure sanctioned in the *First Book of Discipline* for the initial, temporary, method of admissions. At Spottiswood's admission the role of the Lords had been considerably greater. It was not only their charge that was sent to the Lothian authorities but also their "power" to proceed with Spottiswood's admission, the implication being that the Church had no right or power to admit superintendents independent of the State. A degree of caution must be exercised when considering these differing interpretations of the State's role in the admission of the superintendents. Such a difference could result equally from a conscious conflict between the Kirk's and the State's assumed roles, as from a more innocent misunderstanding during the unsettled period of implementation of a new idea. Knox, *Works*, II, 144; Cameron, 'The Office of superintendent', 248.

<sup>5</sup> *RStAKS*, I, 74.

<sup>6</sup> Similar persons were summoned to Spottiswood's election. Knox, *Works*, II, 144. That the right to vote was not conferred on these men but "appertained" to them reflected the normal pattern of suffrage in such matters. It also demonstrated that the power, or authority, to participate in the election was not delegated from the State. Cameron, 'The Office of superintendent', 248.

<sup>7</sup> Details of the day's proceedings in St Andrews have been surmised from the information given by Knox concerning Spottiswood's election. Knox, *Works*, II, 144-150.

<sup>8</sup> Probably similar to that made at Spottiswood's election the previous month. On that occasion the topics covered included the necessity of both ministers and superintendents, the crimes that would disqualify men from holding these offices, the virtues of a good superintendent and whether it was permissible for a suitably qualified person to reject his election to the office. Knox, *Works*, II, 144-150.



have been asked whether there was another man whom they would wish to stand in opposition. In accordance with the *First Book of Discipline* a public examination of Winram's life, learning and ability would have been made.<sup>9</sup> Having proved himself suitable and acceptable, a long series of questions was directed at Winram. These formulaic questions centred on his motives for seeking promotion to the office, his acceptance of reformed doctrine, his promise of future good behaviour and his willingness both to serve the people who had called him and to submit to the admonition and discipline of the church. The election then followed.

The assent of those gathered was given in the form of a standard response to questions asked of them by the presiding minister, promising both reverence and obedience towards Winram.<sup>10</sup> Winram was then formally elected to the office of superintendent and charged with the "chief care" of God's Kirk. Those present signalled their acceptance of their new superintendent by shaking his hand. God's blessing and aid was sought to assist all concerned faithfully to keep their promises made that day. In a final exhortation, Winram was urged to serve those under his charge with love rather than tyranny or dominion, to guard against pride, and to behave himself with sobriety.

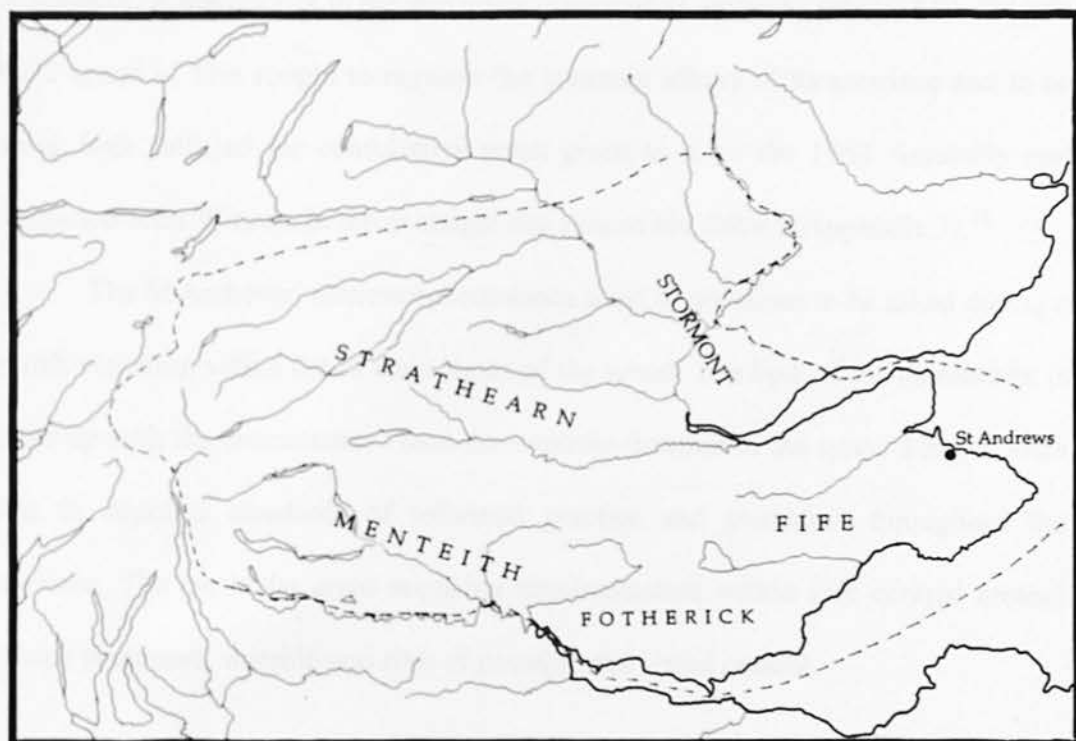
At almost seventy years of age, Winram had assumed responsibility for overseeing a district which covered over two thousand square miles. (Map 3) Winram did not oversee his province alone but was assisted by his synod and his

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<sup>9</sup> The trial of the doctrine of George Douglas, before his election as Bishop of Moray in 1574, lasted three days. *BUK*, I, 300-302.

<sup>10</sup> It is likely that the presiding minister was Christopher Goodman, then parish minister at Holy Trinity. It was Goodman, together with ten members of his session, who issued and signed the public edicts announcing Winram's election. *RStAKS*, I, 75.

superintendent's court. Each fulfilled a different role. The synod was mainly a regulating body which discussed, decided and promulgated policies within the province. The court was a judicial body with the power to deal with individuals who fell foul of any church ordinance. By utilising both John Winram was able to discharge his duties of care and oversight.



**Map 3: Winram's District**

## II

***The Synod of Fife***

The minutes of the General Assembly amply demonstrate the major contribution that the superintendents in their district synods made to the national church. In the case of Fife, understanding the synod's role in the affairs of its province is not dependent upon extrapolating generally applicable Assembly ordinances. A manuscript in the university library of St Andrews reveals how the pre-1572 synod of Fife sought to regulate the common affairs of its province and in so doing both fulfilled the consultative remit given to it by the 1562 Assembly and supported John Winram in the oversight and care of his district (Appendix 3).<sup>11</sup>

The St Andrews' manuscript combines a list of questions to be asked during a parish visitation with a list of enactments of the synod. The bulk of the manuscript is taken up with the enactments. These demonstrate that one of the synod's major roles was to stipulate standards of reformed practice and procedure throughout the province. The particular areas requiring standardisation within Fife centred around church personnel, worship and rites of passage, and social control.

**Church Personnel**

The synod of Fife was keen to enforce a strict hierarchy in the offices of reader, exhorter and minister. Corresponding to the *First Book of Discipline*, the lower offices of reader and exhorter were seen as intermediary steps undertaken by

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<sup>11</sup> BUK, I, 29; StA MS 30451. This manuscript, purchased by the library in 1859, was first noticed by Mr R.N. Smart and Professor J.K. Cameron. Preliminary analysis of its contents has been carried out by Dr Jane Dawson to whom I am grateful for bringing it to my attention. See Appendix 3 for a discussion and transcript.

those aspiring to a full ministerial post. The synod ruled that no reader would be permitted to continue in post for more than three years unless he demonstrated that he had gained in knowledge during that time.<sup>12</sup> Through study and an increased “knowlege of letteris” readers could, and should, become exhorters and, eventually, ministers.<sup>13</sup> Exhorters were likewise to continue to study. Together with others “haweing ye gift to interpret” they were expected to travel up to 10 miles to attend and participate in the ‘exercise’, where, as the *First Book of Discipline* explained, they would take turns to expound on scriptural passages before their brethren.<sup>14</sup> To demonstrate visually the inequality of the three clerical offices the synod stipulated the pulpit to be the exclusive domain of ministers and barred readers and exhorters from entering it.

It is statut and ordanit yat no mane presume or tak wpon hand to preache or teache in ye pulpat, bot sic as ar admittit ministeris and to minister ye sacrament of ye body and blud of Christ and yat all vther exhortaris and readaris stand in sume vther plaice deput to yame to wse ye executioun of yair officis.<sup>15</sup>

The good behaviour of those who held office in the church at parish-level, the incumbents, elders and deacons, was crucial in the synod’s attempt to impose province-wide policies.<sup>16</sup> The synod was keen to establish a resident, parish-based and parish-serving clergy. Regardless of the office held, any person presented to a

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<sup>12</sup> StA MS 30451, fo 4v, item O. (Item letters and numbers refer to those given in the transcript in Appendix 3). The *First Book of Discipline* suggested that a reader should not remain in post beyond two years. *FBD*, 111.

<sup>13</sup> StA MS 30451, fo 4v, item O.

<sup>14</sup> StA MS 30451, fo 4v, item L. The *First Book of Discipline* suggested that those attending the exercise should be prepared to travel up to six miles. *FBD*, 188-191.

<sup>15</sup> StA MS 30451, fo 5v, item 9.

<sup>16</sup> The use of the term “incumbent” in this chapter is taken to indicate either the minister, or the exhorter or the reader of a parish.

church was to make his residence in the parish.<sup>17</sup> He was not to set tacks of either his manse or his glebe or any other part of his benefice without licence under the pain of deprivation.<sup>18</sup> A fining scheme was adopted to encourage incumbents to attend to their charges on the Sabbath. Those who absented themselves were required to justify their absence to their kirk sessions. If the session was not satisfied with their excuse a financial penalty, payable to the deacons of the church for distribution to the poor and the common affairs of the church, was levied: 8s 4d for readers, 10s for exhorters and 20s for ministers.<sup>19</sup> The synod also forbade incumbents from preaching, administering the sacraments or solemnising marriages outwith their own parish without first obtaining a licence from either the minister of the other bounds or from Winram as their superintendent.<sup>20</sup>

Because every incumbent presented to a parish had first to be examined and accepted by his superintendent as being both qualified and suitable for the post there was considerable control over those admitted.<sup>21</sup> Such control did not extend to those admitted to the eldership and the diaconate within a province. In attempting to instil discipline into these offices the synod of Fife faced serious problems. In some parishes parishioners were refusing to accept their election to the eldership or diaconate or, having accepted an office in principle, subsequently refused to perform

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<sup>17</sup> StA MS 30451, fos 5r+v, 7r, items 4, 23.

<sup>18</sup> StA MS 30451, fos 7r+v, items 24, 35.

<sup>19</sup> The same sliding scale of fines was imposed for absence from the synod. StA MS 30451, fo 6v, item 21.

<sup>20</sup> StA MS 30451, fo 6v, item 20.

<sup>21</sup> See above, pages 82-88.

their duties in practice.<sup>22</sup> By “outsetting of his trew word and religione, ... observing ane gud ordor in his kirk, and ... punising of sic crymes as is done aganis his Dewyne maiestie” the conscientious discharge of the offices of deacon or elder brought honour to God.<sup>23</sup> Refusal either to accept such an office or to discharge the duties associated with it was to reject the manifest will of God and to bring His judgement upon the Scottish church. The synod ruled that all men guilty of such an offence were to be excommunicated. Their own parish minister was prohibited from administering the sacraments to them, “nor zit to yair seid”, a prohibition which extended to every other minister within the synod’s jurisdiction.<sup>24</sup>

The refusal of some to accept or discharge the office of elder or deacon was serious enough. When some congregations elected excommunicated members as their elders and deacons the synod faced an even more disconcerting problem. The *First Book of Discipline* had allowed only those men “of best knowledge in Gods word and cleanest life, men faithfull and of most honest conversation” to be put forward for election. Any “noted with publick infamie” were to be “repelled”.<sup>25</sup> In some parishes of Fife these ordinances were being ignored. Responding to the potentially anarchic prospect of kirk sessions being staffed by excommunicated parishioners the synod issued a blanket-ban that no excommunicated persons were to

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<sup>22</sup> StA MS 30451, fo 5r, item 3. This problem was also found in the Canongate (September 1564), Kincardine (October 1586) and Dunblane (October 1586). *The Kirk of the Canagait*, 6; *Visitation of Dunblane*, 33-36, 37-38.

<sup>23</sup> StA MS 30451, fo 5r, item 3.

<sup>24</sup> StA MS 30451, fo 5r, item 3. The refusal of sacraments to the children of those excommunicated was sanctioned in the *First Book of Discipline* (FBD, 170). However, this ruling was overturned by the General Assembly in 1569. (BUK, I, 170). The largely chronological recording of the St Andrews manuscript dates the relevant ordinance c.1563, before the Assembly’s ruling. The synod’s failure to modify its ordinance is likely to be due to simple oversight.

<sup>25</sup> FBD, 174.



be chosen or admitted to the office of elder or deacon or any other office in any congregation.<sup>26</sup>

### Worship, Sacraments and Rites of Passage

The ordinances which instructed the parish incumbent in the expected conduct of worship in his church were diverse. They covered Sabbath and weekday services, prayer meetings, and the proper conduct of the sacraments, of marriages and of burials. The orderly conduct of worship was vital. The *First Book of Discipline* claimed as “utterly necessarie” that:

the word be truly preached, the sacraments rightly ministered, common prayers publickly made, that the children and rude persons be instructed in the chiefe points of religion and that offences be corrected and punished.<sup>27</sup>

Without these things “there is no face of a visible kirk”. The ordinances of the Fife synod emphasised the comely conduct of public worship and made few departures from the guidelines issued in the *First Book of Discipline*.<sup>28</sup>

Incumbents of landward parishes were to read the common prayers early each Sunday, to enable the servants in the parish to attend before beginning their day’s work, with the main Sunday service being held at 10 am.<sup>29</sup> The main service was the occasion when the sacraments of baptism and communion were administered, for which no fee was to be charged, a practice which John Winram had occasion to

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<sup>26</sup> StA MS 30451, fo 5v, item 5.

<sup>27</sup> FBD, 180.

<sup>28</sup> FBD, 180-187. The *First Book of Discipline* endorsed the use of *The Forme of Prayers and Ministration of the Sacraments, &c. Used in the Englishe Congregation at Geneva*, (Geneva, 1556). FBD, 182.

<sup>29</sup> StA MS 30451, fo 6v, item 18.

condemn in his superintendent's court.<sup>30</sup> As was standard, the celebration of communion was preceded by an examination and admission was restricted to those who could recite the Lord's Prayer.<sup>31</sup> In Fife an additional condition required those admitted to be above 15 years of age.<sup>32</sup>

When considering rites of passage the synod was at pains to eradicate some local customs.<sup>33</sup> Those intending to marry were to have their marriage banns proclaimed on three Sundays prior to the marriage.<sup>34</sup> If, during that time, a lawful impediment was alleged the proclamations were to cease while the minister appointed a day for the allegations to be heard either before his own kirk session or before John Winram and his superintendent's court in St Andrews.<sup>35</sup> Following the successful proclamation of the banns the marriage was to be solemnised, on a Sunday only, within forty days.<sup>36</sup> One final hurdle remained to be cleared before any marriage was solemnised in Fife: the parties to be married and their parents were to

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<sup>30</sup> StA MS 30451, fo 6v, item 18; *RStAKS*, I, 226-227.

<sup>31</sup> *cf FBD*, 184-186. Damage to the manuscript does not allow the full reading of the requirements for admission. It is possible, but unlikely, that the synod followed the *First Book of Discipline's* requirement that the Lord's Prayer, the Articles of Belief, and the Ten Commandments were all to be recited.

<sup>32</sup> StA MS 30451, fo 4v, item H. The *First Book of Discipline* set no minimum age requirement and this ruling seems to have been peculiar to the Fife synod. The fifteen years required for admission to communion seems high when compared to the canonical ages of twelve and fourteen years set for the marriage of women and men, a ruling retained in the *First Book of Discipline* and one which Winram himself upheld in his superintendent's court. *Intro. to Scottish Legal History*, 75; *FBD*, 194; *RStAKS*, I, 299-300.

<sup>33</sup> The General Assembly had made efforts to standardise the practice and procedures in parishes. In 1562 it ordered that the Book of Geneva, *i.e. The Forme*, was to be followed regarding the sacraments, marriage ceremonies and burials. By 1564 the order to be used was that given in the Psalm Book, *i.e. the Book of Common Order*, which was based upon *The Forme* and which every minister, exhorter and reader was expected to have. *BUK*, I, 30, 54.

<sup>34</sup> StA MS 30451, fo 4r, item G. *cf FBD*, 195.

<sup>35</sup> StA MS 30451, fo 6v, item 19.

<sup>36</sup> StA MS 30451, fos 4r+v, items G, P. *cf FBD*, 195-196.

secure caution that the celebrations following the marriage would be decorous. They were to promise the minister:

that yai sall not vse or tholl be vsit in ye day of yair mariage ony pyping or fidling or ony vther sic licht vaniteis in oppin streittis, about marcat croces or ony vther common plaice.<sup>37</sup>

Those who broke their promise would find themselves subject to the discipline of the church. In attempting to prevent frivolity before the marriage ceremony the synod was even more severe. All parties were warned that if they came to the church “haweing bagpypis plaiand befor yame” they would be turned away and “nocht be mariet for yat day”.<sup>38</sup>

As regards burials the synod of Fife both abridged and amended a General Assembly ordinance of 1563 which stated:

Touching the buriall of the poore in every parochin to landwart, it is ordainit that a beere be made in every paroch to carrie the dead corpes to buriall, and that village or house wher the dead lyes, with the nixt house adjacent therto, or a certaine number of every house, sall convey the dead to the buriall, and eird it saxe foote under the eird; and that every superintendent within his awin bounds requhyre the lairds and barrones within the same to make ane act in ther court tuiching this ordour, and cause ther officers warne ther narrest neighbours wher the dead lyes, to convey the samin to buriall as said is, according to the said act; and farder, that the superintendents take ordour heir as occasioun sall serve.<sup>39</sup>

The synod removed the concluding instructions (which were specific to the superintendent and not pertinent to parish incumbents) and added to the Assembly ordinance as follows:

...ewerye parochin vpon land. It is ordenit yat ane beir be maid  
...rps to buriall. And village or toun quhair ye deid lyis  
...acent thairto or ane number of everie houss convoy ye

<sup>37</sup> StA MS 30451, fo 5v, item 10.

<sup>38</sup> StA MS 30451, fo 5v, item 10.

<sup>39</sup> BUK, I, 43.

... *eyther singing reding or vther serimonye* and zeard ye  
 ... zeard, *and yat nane be zeardit in ye nycht or without ye*  
<sup>40</sup>  
 ....

Textual variation renders it uncertain whether or not the *First Book of Discipline* had originally allowed incumbents to exercise their own discretion in deciding if singing and scripture readings would accompany a burial.<sup>41</sup> The wording in the St Andrews' manuscript suggests that the synod of Fife permitted no such liberty of opinion but issued instead a province-wide condemnation of such practices, in line with the procedure observed in Geneva.<sup>42</sup>

The meaning of the second addition, "and yat nane be zeardit ...", is clear from another synod ordinance. In an effort to end the practice of secret burials of infants and children, believed to have been conceived in "adulterie, incest or sic wther ingodlie wayes", the synod forbade night-time burials. The dead were only to be taken to the burial ground between the hours of sunrise and sunset, accompanied by a number of faithful men. Those who broke this rule by conducting a secret burial were to be held guilty of the murder of the person so buried.<sup>43</sup>

The synod was keen to affirm the sanctity of the burial ground. Night-time burials were condemned both for their secrecy and for being outside the common burial ground of the churches. Illegitimate and other infants who died unbaptised were commonly buried at the roadside or at "Lekkir" stones, large stones often situated at cross-roads and roadside shrines. These sites were traditionally associated

<sup>40</sup> StA MS 30451, fo 4v, item M, my emphasis. Damage to the manuscript prevents a full reading of this ordinance.

<sup>41</sup> The *First Book of Discipline*'s burial practice is ambiguous because of an *additio* in one manuscript which permitted incumbents to allow singing and readings at burials. *FBD*, 199-201, at 200 note b.

<sup>42</sup> Maxwell, *John Knox's Service Book*, 161-164.

<sup>43</sup> StA MS 30451, fo 6r, item 11.

with burials in the belief that they afforded the best alternative resting place for those, such as the unbaptised, forbidden to be buried in consecrated ground. In preserving the sanctity of the burial ground the synod not only sought to get the bodies of innocent children in, but also to keep the bodies of renegades out. To enforce this the synod forbade those who died while excommunicated to be buried within the church burial ground. The justification of this move argued that:

all sic personis as desyrit not ye societie of ye faithfull quhen yai war leweand be nocht participant of yair cumpany quhen yai ar deid.<sup>44</sup>

## Social Control

### *Sabbath Observance*

The synod's enactments which concerned social control concentrated on standardising the practices surrounding Sabbath observance, detecting illegitimate children, presentments for baptism, marriage contracts and the practices to be observed in excommunication. The synod required incumbents to pursue absentees from the Sabbath services from all levels of society and detailed fines for many different social groups. There was to be no allowance made for rank, indeed the opposite was true with those of highest rank subject to the heaviest penalties. Earls, lords and great barons who failed to attend the Sunday sermon or prayers were to be fined £2. Each subsequent lapse increased each subsequent fine by a further £2. Using the same formula the fines for small barons, gentlemen and burgesses began at 10s, fines for husbandmen and craftsmen began at 2s.<sup>45</sup> Regardless of rank, any who

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<sup>44</sup> StA MS 30451, fo 7r, item 30.

<sup>45</sup> StA MS 30451, fo 7r, item 29. The fine for a third offence by husbandmen and craftsmen did not follow the formula, but was set at half a merk.

did not pay were to spend two days in prison on bread and water for each default.<sup>46</sup> Other ordinances introduced similar scales of fines for absence by other groups within the parish, including the incumbents themselves. The smallest fine, 4d, was levied on householders.<sup>47</sup>

The fining system with its provision for repeated absence and refusal to pay the fines was indicative of how common Sabbath breach could be. Although the synod set rigorous standards of pursuit for Sabbath breakers from the higher ranks of society it showed considerable sensitivity to the lot of the “*puir cottaris*” and the “*puir laboraris*”. In the judgement of the synod the cotters were so “*constranit be yair maisteris unmerciles oppressiounis*” that they were forced to work their own small plots of land on the Sabbath, their only free time, “*expreslie aganis Goddis command*”. Labourers were similarly forced to break the Sabbath by their masters. Recognising where the root of the problem lay the synod ruled:

It is requyrit in ye name of God yat all gentill men and wtheris hawing cottaris and tennentis vndir yame yat yai wald be sa cheritabill to yame to gif yame licence in tyme of harwest fra xii houris furth ilk Settirday to scheir and win yair awin corne. And sicklyk yat yai will nocht charge yair tennentis with yair careage vpone Sounday. Certefeing all yame yat sall do in ye contrair heirof, and sall caus yair tennentis and laboraris to neglect ye service of God and work vpone Sounday, yai salbe accusit as transgressoris of ye command of God and breikaris of ye Sabboth day....<sup>48</sup>

<sup>46</sup> StA MS 30451, fo 7r, item 29. The synod noted that this fining and jailing policy was “to be wnderstand alsweill of ye wemen as of ye men”.

<sup>47</sup> StA MS 30451, fo 6v, item 21.

<sup>48</sup> StA MS 30451, fo 5r, item 1.



### *Illegitimacy*

The synod's response to Sabbath breaking was complex, as was the system it constructed to detect illegitimate children. The highly dangerous time of childbirth was known to encourage spontaneous confessions. To capitalise on this the first line of detection employed by the synod was the attending midwives. Before any midwife assisted with a birth she was to exploit the mother's vulnerability and enquire of her who the father was and whether the child was legitimate. The midwife was then, "in gudlie haist", to pass this information on to the parish incumbent. Failure to comply would result in punishment.<sup>49</sup>

Should this method of detection fail a second source of information was the wet-nurses. Before accepting any infant to nurse they were required to obtain the names of both parents and to determine the legitimacy of the child. Representatives of the parish church, probably the elders, would visit known wet-nurses to ascertain who was paying for each child in their care in a bid to identify fathers supporting their illegitimate offspring. As with the midwives, wet-nurses who failed to comply were subject to punishment.<sup>50</sup> Single mothers nursing their own infants were also targeted. No one was permitted to offer them refuge in their house without first checking who the child's father was and whether the child was legitimate.<sup>51</sup>

Yet another opportunity for detection arose when the child was presented for baptism. This time the onus of detection fell upon the parish minister and kirk

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<sup>49</sup> StA MS 30451, fo 6r, item 13. Similar regulations were employed by the kirk session of the Canongate kirk, as early as 1564, and by the kirk session of St Andrews in 1595. *The Kirk of the Canongait*, 10, 28; *RStAKS*, II, 796.

<sup>50</sup> StA MS 30451, fo 6r, item 12.

<sup>51</sup> StA MS 30451, fo 7v, item 31.

session. The synod ruled that children should, where at all possible, be presented for baptism by their fathers so that the identity of each child's father would be known and so too his relationship with the mother. Those couples known to be unmarried were compelled to undertake public satisfaction before their child was baptised.<sup>52</sup>

### *Marriage*

Some illegitimate children were the offspring of couples who, although contracted to marry, had not solemnised their union. Many of the synod's ordinances regarding marriage contracts attempted to regularise and bring under the church's jurisdiction the long accepted practice of handfasting. Secret promises of marriage which had been followed by sexual intercourse were not to be recognised as marriage contracts. Those who engaged in such practices were condemned as "brekkaris of guid ordor and sklanderaris of ye kirk" and punished as fornicators.<sup>53</sup> Only those promises of marriage made before witnesses were to be recognised. Ideally the synod wanted the witnesses to be the parish incumbent and two of his elders, necessitating the church's involvement with all marriages at the initial point of contract. At the very least the witnesses had to be honest and faithful.<sup>54</sup>

Even if the contract was made before the necessary witnesses it could still be ruled invalid if, for example, the parties were underage and had not secured the consent of their parents or guardians, or if one of the parties was tied by an existing contract of marriage.<sup>55</sup> When it was known that a previous contract existed it was

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<sup>52</sup> StA MS 30451, fo 4r, item F.

<sup>53</sup> StA MS 30451, fo 6r, item 14.

<sup>54</sup> StA MS 30451, fo 4v, item P.

<sup>55</sup> StA MS 30451, fo 4v, item N.

necessary to obtain a church decree stating that the first contract was either unlawful or had been legally broken. Only then could a subsequent contract be recognised and the couple proceed to marriage.<sup>56</sup>

### *Excommunication*

In no area of discipline was the need for standardisation of practice more necessary than that of excommunication. For excommunication to be effective its sanctions had to apply across parish boundaries and throughout the district. The synod's ordinances both identified classes of offenders who should be excommunicated and stipulated the consequences of the excommunication which were to be observed in every parish. Those subject to excommunication included murderers and adulterers;<sup>57</sup> obstinate papists;<sup>58</sup> those who persistently absented themselves from their parish church;<sup>59</sup> those who refused to be reconciled to "amitie, luf and kyndnes";<sup>60</sup> those who refused to obey the discipline of the church;<sup>61</sup> and those who refused to accept or discharge the office of elder or deacon.<sup>62</sup> After due process and admonition any minister who had such offenders in his parish could proceed to excommunicate them.<sup>63</sup>

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<sup>56</sup> StA MS 30451, fo 5r, item 2.

<sup>57</sup> StA MS 30451, fo 7r, item 25.

<sup>58</sup> StA MS 30451, fo 7r, item 27.

<sup>59</sup> StA MS 30451, fo 5r, item 3.

<sup>60</sup> StA MS 30451, fo 5v, item 8.

<sup>61</sup> StA MS 30451, fo 7v, item 32.

<sup>62</sup> StA MS 30451, fo 5r, item 3.

<sup>63</sup> StA MS 30451, fo 5v, item 8.

Those that found themselves excommunicated faced heavy sanctions. The synod ruled:

It is inhibit and straitlie forbiddin yat ony excommunicat persone be admittit to ye communioun or participacione of ye sacramentis nor to ye societie of ye faythfull pepill of God in commoun praying or wyerwyse except onlie in hering of Goddis Word.<sup>64</sup>

The need for continuity of practice in excommunication was recognised by the synod. To be effective the sanctions had to apply throughout the province, and indeed the realm. To ensure that no one circumvented these sanctions by travelling to another parish the synod clearly and frequently stated that the sanctions were to be enforced by every minister within its jurisdiction.<sup>65</sup>

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<sup>64</sup> StA MS 30451, fo 5v, item 5. As had already been noted, excommunicated persons were also forbidden from holding public office in the church and from being buried in the common burial ground. StA MS 30451, fos 5v, 7r, items 5, 30.

<sup>65</sup> StA MS 30451, fos 5r, 5v, 7r, items, 3, 5, 25, 27.

## III

***Links with the Parishes***

The synod's ordinances highlight the formal and sustained links between the parish and the synod. Such an integrated system was necessary to ensure continuity of practice throughout the district. Under Winram's leadership the synod of Fife developed sophisticated methods to disseminate its rulings and to monitor their implementation throughout its jurisdiction. The representative nature of the synod, which, in theory, drew its membership from every church in Winram's province, was its greatest strength and made it the appropriate body to regulate the affairs of the province. Practices and procedures approved by it could be deemed to have the assent of the majority of the province.

Regular contacts between the parish and the synod were maintained by the requirement that the parish representatives attend the synod meetings.<sup>66</sup> Most importantly, the distribution of the synod's ordinances to the parishes instructed the hundred-or-so parish incumbents of the acceptable practice and procedure to be adopted in Fife.<sup>67</sup> The procedures for enforcing attendance at synod meetings and sending out copies of the synods enactments were greatly supported by the finely honed procedures established for Winram's parish visitations.

**Visitations**

Like all superintendents, the visitation and effective oversight of his district was a significant area of John Winram's work. His Books of Visitation have not

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<sup>66</sup> StA MS 30451, fo 6v, item 21.

<sup>67</sup> StA MS 30451, fo 7r, item 28.

survived but some information of his activities is still available.<sup>68</sup> The records of his superintendent's court gives fleeting, but direct, references of visitations to Ballingary,<sup>69</sup> Largo<sup>70</sup> and Monimail.<sup>71</sup> In each instance misdeeds uncovered during a visitation were subsequently heard before his superintendent's court, the kirk session of St Andrews. Other sources reveal that Winram visited Scoonie,<sup>72</sup> Findogask,<sup>73</sup> Fowlis Wester<sup>74</sup> and Culross.<sup>75</sup> Also, in 1572 Winram refuted a charge raised before the General Assembly that he had not visited Crail for the past three years. Although additional charges that he had not visited Strathearn, Menteith or Breadalbane for twelve months were not specifically countered, their very wording implies that these areas had been visited immediately prior to that.<sup>76</sup>

<sup>68</sup> 5 March 1570/1, *BUK*, I, 184, when it was ordained that these books were to be presented to, and examined at, all future meeting of the General Assembly that "the Kirk might understand [the superintendents'] diligence in executing their offices". Although contemporary references are made to these books (e.g., *Stirling Presbytery Records*, 119-120; *Visitation of Dunblane*, 37, 81; *BUK*, I, 237; *RStAKS*, I, 392) none are known to have survived. See below, pages 164-166.

<sup>69</sup> July 1561, *RStAKS*, I, 84.

<sup>70</sup> June 1562, *RStAKS*, I, 145.

<sup>71</sup> (25 July) 1569, *RStAKS*, I, 326. There is a further reference to a visitation to an unspecified area in May 1565. *RStAKS*, I, 246.

<sup>72</sup> *BUK*, I, 123.

<sup>73</sup> SRO CH8/30.

<sup>74</sup> *Visitation of Dunblane*, 81. It is possible that Winram visited Auchtermuchtie some time before June 1563, when he complained to the General Assembly that the minister there had not executed a summons issued by him as superintendent. *BUK*, I, 36.

<sup>75</sup> After the Reformation only five of the nine monks of Culross Abbey recanted. The pro-Reformation commendator, William Colville, strove "oft and divers tymes" to persuade the remaining four monks to recant. When his efforts failed Colville turned to Winram, as his district superintendent, for assistance. Winram, too, tried unsuccessfully persuade the monks to renounce their Catholicism. The superintendent allowed the commendator to withhold the monks' portion from the abbey which had been allowed to the conforming monks as a pension. In 1563 the four monks challenged their commendator's ruling in the Court of Session which ruled that they should each receive £20 as an interim settlement until a final judgement by the Privy Council. Kirk, *Patterns*, 138; SRO E48/1/1, fo 283r, (printed in Kirk, *Books of Assumption*, 291-292); SRO CS7/26, new fos 382v-383v.

<sup>76</sup> 6 March 1571/2, *BUK*, I, 237. These complaints show that annual visitations, as stipulated in the *First Book of Discipline*, were still expected in the 1570s.

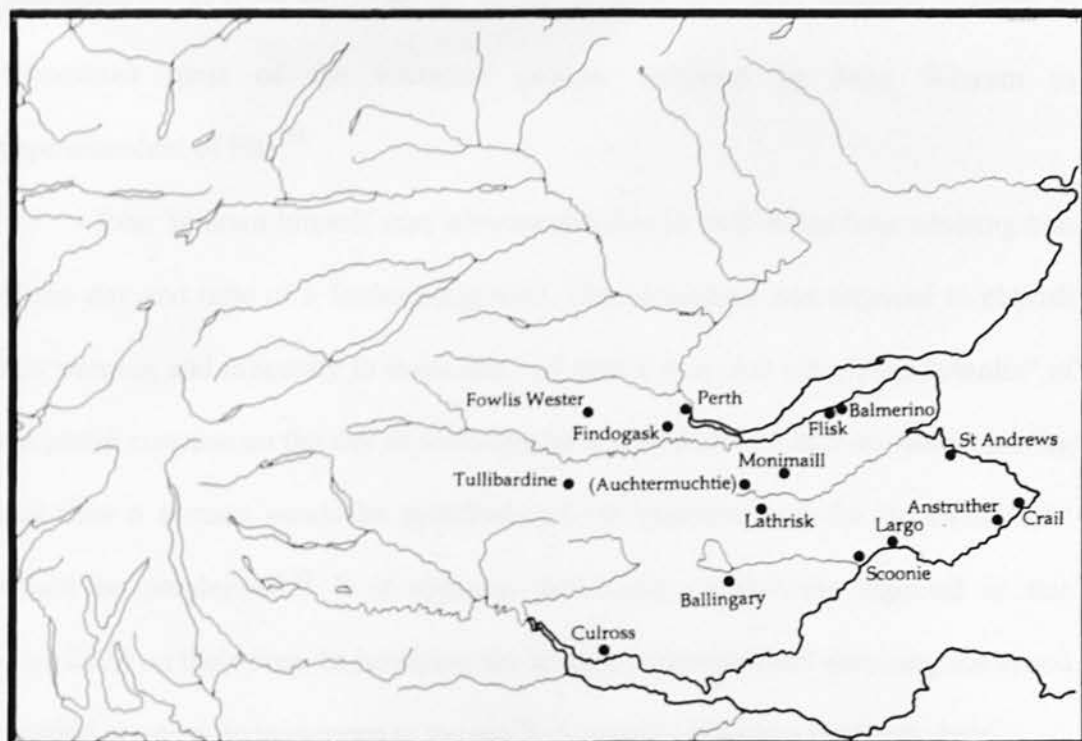


Because faults uncovered during visitations were sometimes subsequently raised in the superintendent's court in St Andrews, it is possible to surmise the localities and times of other visitations from the clusters of geographical residences of people summoned before the court.<sup>77</sup> Geographical clusters from Crail (October 1561), Flisk (March 1563/4), Anstruther (March 1563/4), Tullibardine (October 1564), Perth (February 1564/5), Lathrisk (May 1566), and Balmerino (March 1568/9) are recorded. This method of tracing Winram's visitations, although revealing only a minority of the actual visits carried out, provides some measure of the area over which Winram exercised his authority (Map 4). Winram's assiduity in visiting may have inspired Nicholas de Gouda, who seems to have had personal knowledge of the superintendent of Fife, to praise superintendents who "diligently" visited their churches, despite his hostility to the reform movement.<sup>78</sup>

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<sup>77</sup> This technique is limited by the fact that residences are not always recorded in the court's minutes. Also, not everyone outwith the St Andrews area who appeared before the court was summoned as the result of a visitation. Some people were 'delated' to the superintendent by, for example, other kirk sessions. Separating the non St Andrews cases into 'summoned' and 'delated' does not provide a convincing segregation of these two types of cases since some people found themselves 'delated by the superintendent's letters'. It is therefore unsafe to assume that only those 'summoned' had in fact arisen out of a visitation. For example, *RStAKS*, I, 226, 226-227, 246. By stressing clusters of cases from geographical areas the likelihood of external delations being mistaken for a visitation is reduced.

<sup>78</sup> 30 September 1562, Father Nicholas de Gouda to the Father General, James Laynez, *Papal Negotiations*, 136. De Gouda's personal knowledge of Winram is evident when he comments, in the same letter, on Winram's marriage and his habit of denouncing the vow of chastity.



**Map 4: Known visitations undertaken by John Winram**

The synod of Fife had recognised the importance of Winram's parish visitations. Monitoring an incumbent's enforcement and a congregation's observance of the synod's ordinances constituted a major part of such visits:

it is ordenit yat ewerie minister or reader within yis juresdixon have the copy of yir actis to ye effect yai may know how ye saidis actis ar observit in yair congregatioun and yat yai may admoneiss ewerie man respective of his awin part and informe ye superintendent at his visitationis of yame yat hes transgressit ye samin.<sup>79</sup>

<sup>79</sup> StA MS 30451, fo 7r, item 28.

Although the *First Book of Discipline* detailed the areas to be examined during parish visitations it was silent regarding the procedure followed.<sup>80</sup> It is, however, possible to reconstruct most of the visitation process followed by John Winram as superintendent of Fife.<sup>81</sup>

John Winram himself sent advance warning to each incumbent advising him of the day and time of a forthcoming visit. The incumbent was required to publish this warning and diligently to insist that “all gentill men and vtheris inhabitantis” of his parish convene on the day of visitation for a period of two or three hours. During that time a sermon would be preached and the ordinances of the “generall kirk” would be proclaimed.<sup>82</sup> It is apparent that some parishioners objected to this imposition on their time. In justifying the lengthy congregational gathering the synod recalled previous acquiescence to the pre-Reformation observance of holy days:

In respect of ye mony and diversse superstitious halie dayis quhilk ye pepill in ye tyme of papistrie wer chargit and onerat to keip ye samin holy day and now mercifullie is relewit yairfra. Thairfoir in ye name of God it is requyrit yat ye haill inhabitantis of everie congregacione convene ... at ye tyme of ye superintendentis visitationis.<sup>83</sup>

From the earliest days of John Winram's superintendency he monitored the state of church buildings during his visitations.<sup>84</sup> He also made a close examination of the competence of each incumbent. He personally tested their doctrinal stance and

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<sup>80</sup> *FBD*, 122-123.

<sup>81</sup> There was a recognised “due order” to be followed during visitations. *BUK*, I, 237.

<sup>82</sup> *StA MS 30451*, fo 5v, item 7. Although the *First Book of Discipline* required the sermon to be preached by the superintendent it is clear from the minutes of the General Assembly that Winram often vacated the pulpit in favour of the incumbent, as did many other superintendents. The ordinance of the synod did not specify who should preach. *FBD*, 123; *BUK*, I, 25, 39, 112.

<sup>83</sup> *StA MS 30451*, fo 5v, item 7.

<sup>84</sup> A serious complaint was raised during John Winram's visitation of Ballingary in 1561 about the disrepair of the parish church. Having issued instructions for its repair Winram made a return visit to the parish to monitor the incumbent's conformity. *RStAKS*, I, 82-89.

their reading skills. By a judicious “inquisicione amangis thar flok” the personal life and conversation of each incumbent was also checked.<sup>85</sup> However, the main purpose of the visitation was not so much to scrutinise the buildings or the incumbent as to scrutinise the incumbent’s oversight of his parish. To this end the parish registers of births, marriages and deaths were examined.<sup>86</sup> Referring to the charter of recess “quhairin is contenit ye faltis fund” at Winram’s previous visitation incumbents were required to demonstrate their diligence in correcting and punishing these old faults.<sup>87</sup> They were also required to inform Winram of those who had transgressed the ordinances issued by the synod.<sup>88</sup> Matters that required correction within the parish would be discussed between Winram, the incumbent and the elders.<sup>89</sup> Finally, by answering the questions set by the synod, the current state of the parish was determined.

The St Andrews’ manuscript contains over 22 questions to be asked during a parish visitation.<sup>90</sup> This detailed list of questions has no known contemporary Scottish parallel. The precisely formulated questions were to be asked of incumbents during the superintendent’s visitation of their parishes and concentrate on the standard of behaviour observed by *parishioners*, for example, the behaviour of drunkards, prostitutes, those who harboured known criminals in their houses,

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<sup>85</sup> *RStAKS*, I, 75-76.

<sup>86</sup> StA MS 30451, fo 5v, item 6. A request by the Commissioners of Edinburgh that incumbents keep a register of deaths was rejected by the Assembly in 1565. *BUK*, I, 63.

<sup>87</sup> StA MS 30451, fo 5v, item 6. At the conclusion of his visitation Winram would issue a new charter of recess for his and the incumbent’s records.

<sup>88</sup> StA MS 30451, fo 7r, item 28.

<sup>89</sup> *BUK*, I, 237.

<sup>90</sup> StA MS 30451, fos 3r+v. Because of damage to the manuscript the exact number of questions cannot be determined.

minstrels, schoolteachers and separated couples, rather than on ministerial practice.<sup>91</sup>

With few exceptions, questions regarding parishioners' behaviour begin "gif thay knaw...". Such a formulation provided an overall picture of the general standard of discipline observed in each parish.<sup>92</sup> The answers to the questions provided a list of offenders who could be referred on to another court for further discipline - if necessary directly to the General Assembly, or to the synod, or, more probably, to the superintendent's court.<sup>93</sup>

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<sup>91</sup> Of those questions which, from their remaining fragments, are known to concern either parishioners' or ministers' behaviour over two-thirds concern the behaviour of parishioners.

<sup>92</sup> The areas of oversight are similar to those proposed by the Assembly in 1602 in connection with "the forme and subject of visitatioun of kirks" but there are striking differences. The guidelines issued in 1602 were for use by presbyteries and commissioners of congregations when carrying out an examination of ministers, congregations and presbyteries themselves. The Assembly did not offer a list of precisely worded questions but provided a detailed summary of areas of ministerial, congregational and presbyterial activities to be scrutinised, the predominant emphasis being the examination of *ministers'* practice and behaviour in the discharging of their ministerial duties. For example whether the minister was resident, how often he preached, whether he diligently visited his parish and whether he regularly met with his kirk session. *BUK*, III, 991-994. A similar 'general' set of questions was issued in the 1580s when James VI instructed "5 haidis" to be asked by the visitors of churches: 1. Concerning "adulteris and incestuus persones", 2. Concerning those willing to accept the King's commission for "punishment of vice, etc.", 3. "Tryell off ministeris and redaris", 4. "Off papistis, prophanaris off the sacramentis, excommunicatis, witsches, passaris in pilgrimage to chepellis or wellis, peces off grond dedicat to Satan onder the name of kynd knyght, etc.", 5. "Off benefices under prelacis heving ma kirkis nor ane, etc." *Visitation of Dunblane*, 13.

<sup>93</sup> At times the General Assembly identified specific classes of offenders who were to be sent to the superintendent for disciplining. For example, those who had relapsed three times in any crime (the examples cited being drunkenness and fornication), adulterers and murderers. *BUK*, I, 56, 74-75, 111, 124-125.

## IV

***The Superintendent's Court of Fife***

It is difficult to reconstruct the typical functioning of Winram's superintendent's court. The court officially functioned from April 1561 to March 1571/2.<sup>94</sup> However, during many of these years the running of the superintendent's court, and the kirk session, was either disrupted or atypical. In 1561 and 1572 the superintendent's court did not meet for the full year. In 1566 and 1567 disruption surrounding the murders of David Riccio and Henry, Lord Darnley and Mary's abdication rendered the functioning of both courts virtually impossible.<sup>95</sup> In 1570 St Andrews was again rocked by both national and local events. January saw the assassination of Lord James Stewart, then Regent Moray. In April the town witnessed the beginning of a long-running and acrimonious dispute between its minister, Robert Hamilton, and James Carmichael, which divided the church.<sup>96</sup> Further, in August Winram found himself accused of papistical practices for accepting the role of *oeconomus* of St Andrews' priory.<sup>97</sup> Such a disturbed year was reflected in the running of the superintendent's court and the numbers of cases raised fell significantly. Things did not improve the following year. In April 1571, having made several unsuccessful attempts to demit his office before the General Assembly, Winram made a similar attempt before the kirk session.<sup>98</sup> Although technically this

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<sup>94</sup> When John Douglas was admitted as archbishop of St Andrews.

<sup>95</sup> A similar, but shorter, gap has been found for the kirk session of Monifeith (May 1565 to February 1565/6), Bardgett, *Scotland Reformed*, 136-7. It is unclear why the disruption in St Andrews was quite so long.

<sup>96</sup> *RStAKS*, I, 334-335, 338-339; *BUK*, I, 179; Bannatyne, *Memorials*, 258-260.

<sup>97</sup> *BUK*, I, 179-180. John Winram was elected *oeconomus* in April. See below, pages 203-205.

<sup>98</sup> *RStAKS*, I, 346-347. See below, pages 189-191.



was also unsuccessful, in effect it marked his departure from office. Only two cases were heard before Winram's superintendent's court after that date. Thus of the 12 calendar years during which the court ran, only from 1562-65 and 1568-69 is it possible to examine any broad trends exhibited by the court.

### The inheritance of the kirk session

On being elected superintendent of Fife, Winram inherited the kirk session of St Andrews as his court.<sup>99</sup> By 1561 a pattern of election to, and membership of, the session had been established which continued largely unchanged for the next decade. In accordance with the *First Book of Discipline*, both elders and deacons were elected once a year.<sup>100</sup> Re-election to both the eldership and the diaconate was sanctioned in the *First Book of Discipline* and the surviving election lists show that St Andrews freely availed themselves of this option.<sup>101</sup> The average kirk session, in the years

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<sup>99</sup> This was by no means Winram's first contact with the kirk session. His considerable experience in pre-Reformation ecclesiastical courts enabled him to fulfil the role of *amicus curiae* to the session. Together with John Douglas, rector of the University, William Skene, Commissary of St Andrews, and John Rutherford, Provost of St Salvator's College, Winram's counsel had been sought regarding judgements on marital cases brought before the kirk session before his election as superintendent. *RStAKS*, I, 26-27, 37-39.

<sup>100</sup> *FBD*, 174-179. The St Andrews elections took place in October rather than August as suggested in the *First Book of Discipline*.

<sup>101</sup> *FBD*, 175. There is dispute over the interpretation of the re-election of deacons. The *First Book of Discipline* states that "it hurteth not that one be received in office moe years then one, so that he be appointed yearly by common and free election, provided alwayes that the Deacons and Thesaurers be not compelled to receive the office againe for the space of 3 years". Cameron believes this to prohibit deacons from holding the officer for longer than three successive years (*FBD*, 175 note 7). Graham holds this to prohibit deacons, having held office for a year, from being re-elected without a three-year gap (Graham, *Uses of Reform*, 79). Neither of these positions is supported by the evidence from St Andrews where it was as much the rule as the exception for deacons to be repeatedly re-elected. A third alternative interpretation, which is in accordance with the procedure adopted in St Andrews, is for the re-election of deacons without limit of time subject to the individual having the right repeatedly to decline his election for a period of three years following the holding of the office, thus being "not compelled to receive the office".

1559 to 1571, consisted of twelve elders and eight deacons.<sup>102</sup> By the time the kirk session found itself elevated to the role of the superintendent's court it had already been functioning for eighteen months.<sup>103</sup> Building on the strong support for the Reformation given by all the major sections of the city, from the burgh government, to the university and the Augustinian priory, the session enjoyed the backing of the civil, as well as the ecclesiastical, authorities in its endeavours.<sup>104</sup> With this broad and solid base the session had been able to concentrate on promoting the reformed faith free from conflict. The successful meeting of ecclesiastical and civil authority in the one body meant that, within the city of St Andrews at least, the court which Winram inherited was a powerful and effective one.<sup>105</sup>

The kirk session had overseen virtually the whole gamut of cases: doctrine, religious observance, sexual misdemeanour, paternity and marital disputes, and civil crimes.<sup>106</sup> In the months immediately following the Reformation this small body of men had overseen numerous public recantations of those who had been most heavily

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<sup>102</sup> *RStAKS*, I, 2-5, 323, 342, 350, 368-369. Election lists for the years 1564 to 1568, inclusive, are absent. For discussion on the social background of session members see Graham, *Uses of Reform*, 78-79. There was a marked jump in numbers, to fifteen elders and eleven deacons, following Winram's demission from the office of superintendent of Fife in 1572. As far as can be ascertained in light of the missing election lists, 1572 saw three previously unelected elders and three previously unelected deacons join the session, almost a quarter of the total. Although the figure of three new deacons compares favourably with the rate of new blood introduced in the previous years, the figure of three new elders is double the previous average. It seems likely that the session's new impetus derived from the admission of John Douglas as Archbishop of St Andrews.

<sup>103</sup> On average the session met fortnightly on Thursday afternoons.

<sup>104</sup> Dawson, 'Ane perfyt reformed kyrk', 427-430.

<sup>105</sup> Bailies were elected as elders onto the kirk session and could be called on to exercise their civil authority in the promotion of the session's decrees. *RStAKS*, I, lvi, 141. A similar arrangement was present at Perth. Verschuur, 'Perth and the Reformation', II, 512. For examples of the close working relationship between Craik kirk session and burgh council see below note 146.

<sup>106</sup> In this study each charge investigated is understood as a "case". Thus a couple accused of adultery counts as one "case", whether one or both parties appeared before the kirk session or the superintendent's court. A charge of not adhering to a spouse which was met by a counter charge of adultery against the accuser counts as two "cases", one of not adhering and one of adultery.

involved with the pre-Reformation Church.<sup>107</sup> The session also judged claims of divorce (on the grounds of adultery<sup>108</sup> and violence<sup>109</sup>); marriage<sup>110</sup> and paternity.<sup>111</sup> Sexual misdemeanours such as adultery<sup>112</sup> and fornication<sup>113</sup> were heard before the session, as were cases of shielding known criminals,<sup>114</sup> blasphemy,<sup>115</sup> absence from the kirk,<sup>116</sup> and contempt of the reformed church and its ministers.<sup>117</sup> One conspicuous absence from their case load was discipline of church personnel.<sup>118</sup> Over the sixteen month period between October 1559 and April 1561 fifty-nine cases were raised before the kirk session, including twenty-seven public recantations. Of these fifty-nine cases, fifty-six (95%) were brought to some form of resolution with judgements being pronounced. For any early-modern court, let alone a 'new' court, such a high proportion of concluded cases was unusual.

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<sup>107</sup> Dawson, 'Ane perfyet reformed kyrk', 428-429. On 29 November 1559 a letter was issued by the Congregation in the name of Mary, Queen of Scots, and Francis II summoning "all and sundry of the clergy, who have not adioined themselves to the Congregation ... that they compear before the ... Lords of Council in Santandrews the [blank] day of [blank] and there give open testification of their conversion with plain confession of their faith, and renunciation of all manner of superstition and idolatry". (Petrie, *A compendious history*, section 2, 215, reprinted in Wodrow, *Collections*, I, 321-322). Those who recanted included priests of Holy Trinity church and John Grierson, Provincial General of the Observant Friars in Scotland. *RStAKS*, I, 10-18. Winram is a most notable exception from those required to make public recantation.

<sup>108</sup> *RStAKS*, I, 18, 60-61.

<sup>109</sup> *RStAKS*, I, 63-65.

<sup>110</sup> *RStAKS*, I, 29, 30-32.

<sup>111</sup> *RStAKS*, I, 42.

<sup>112</sup> *RStAKS*, I, 5, 27, 28-29.

<sup>113</sup> *RStAKS*, I, 36.

<sup>114</sup> *RStAKS*, I, 5-6.

<sup>115</sup> *RStAKS*, I, 33-36, 43-44.

<sup>116</sup> *RStAKS*, I, 36.

<sup>117</sup> *RStAKS*, I, 36. John Knox was a particular target for abuse.

<sup>118</sup> See Appendix 4 for a detailed breakdown of cases.

Table 1: Cases brought before St Andrews' Kirk Session, 26.10.1559 to 3.4.1561

Year	1559	1560	1561
Fornication	0	2	0
Adultery	1	5	3
Paternity	0	1	0
Divorce	0	4	2
Not Adhering	0	1	0
Claim of Marriage	0	2	0
Making 2nd promise of marriage	0	1	0
Blasphemy	0	7	0
Absence from kirk	0	1	0
Shielding criminals	1	0	0
Lack of Repentance	0	0	1
Recantation	0	27	0

The kirk session acted in both local and district capacities. It was a Court of First Instance for the citizens of St Andrews and for other district parishes not yet served by a kirk session.<sup>119</sup> For example, in March 1560/1 Alison Calland sought a divorce from her violent and adulterous husband. The lack of a local kirk session in St Monans caused her to pursue her case before the St Andrews' kirk session.<sup>120</sup> With the assistance of the minister and elders of nearby Anstruther, testimonials were gathered and over thirty-three witnesses were examined by the St Andrews' session before the case was decided in Calland's favour.<sup>121</sup>

<sup>119</sup> The overwhelming majority of cases give no indication of place of residence and it is not possible to determine the geographical spread over which the session's writ ran.

<sup>120</sup> It is known that St Monans, or Abercrombie, church was, from 1563 until 1588 served by a reader. The first recorded minister was Robert Durie, admitted in 1588. It is possible that at the time of Calland's petition (March 1561) there was not even a reader. Scott, *Fasti*, V, 177.

<sup>121</sup> *RStAKS*, I, 63-72. That Anstruther's kirk session, while willing to gather evidence, deferred the decision-making to St Andrews indicates that when there was no kirk session in a parish St Andrews was recognised as the regional centre for seeking redress, and not simply the nearest neighbouring kirk session.

The session was also a Court of Appeal for the surrounding district. In December 1560, at the behest of the Privy Council, the session undertook to “do justice” in the petition for divorce of Alexander Lathrisk on the grounds of his wife’s flagrant adultery. Having received no satisfaction from the kirk session of Kirkcaldy, Lathrisk had personally petitioned the Lords to intervene. Although he had requested that the Kirkcaldy session be required to act it was to the St Andrews’ kirk session that the Lords remitted the task, who, with the assistance of the churches of Kirkcaldy and Aberdour, duly obliged. Following their detailed examination of witnesses the divorce was granted.<sup>122</sup>

In Calland’s case, due to the lack of a local court, the St Andrews’ kirk session functioned as a regional ‘Court of First Instance’. In Lathrisk’s case redress was originally sought from the local kirk session but because of dissatisfaction with their handling of the matter the St Andrews’ kirk session was approached in the capacity of a ‘Court of Appeal’. At this early stage the kirk session of St Andrews, independent of any association as a superintendent’s court, was already functioning in three different capacities: as a local ‘Court of First Instance’, as a regional ‘Court of Appeal’ and as a regional ‘Court of First Instance’. The members of the kirk session were to fulfil these roles many times over when, after March 1561, they sat as the superintendent’s court. But these roles would not be new ones.<sup>123</sup>

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<sup>122</sup> *RStAKS*, I, 50-59.

<sup>123</sup> The kirk session remained keen to retain powers to judge cases outwith its own parish which, after April 1561, it held by virtue of being the superintendent’s court. When Winram tried to resign in April 1571 one reason given by the session for refusing the request was that without him the session had no authority beyond its own parish. *RStAKS*, I, 346-347.



## The Functioning of the Superintendent's Court

The St Andrews' kirk session was not superseded by the superintendent's court and continued to meet in its own right after Winram's admission.<sup>124</sup> In general, the entries in the Register make no clear distinction between minutes of the kirk session, and minutes of the superintendent's court.<sup>125</sup> On only ten occasions between 1561 and 1572 does the preamble to the minutes specifically state that the meeting was that of the superintendent's court.<sup>126</sup> The conventions that have been followed in this study to determine which matters were brought before the superintendent's court, as opposed to the kirk session alone, are firstly, *all* matters raised during any meeting stipulated as being one of the superintendent's court have been included; secondly, *all* matters raised at a meeting during which any *one* item of business is clearly identified as pertaining to the superintendent's court have been included;<sup>127</sup> and

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<sup>124</sup> There is some evidence that the courts of other superintendents and/or commissioners to plant kirks did try to supersede the kirk session of the principal town of residence. In 1570 the General Assembly was asked to judge whether it was right for superintendents to take over the task of overseeing the parish of their chief residence, and determine disciplinary matters without the advice of the parish minister or elders. The Assembly thought not. *BUK*, I, 194-195

<sup>125</sup> The preamble to the vast majority of entries records only the date of the meeting.

<sup>126</sup> *RStAKS*, I, 131, 156, 168, 299, 313 (*bis*), 314, 316, 332, 336. The preamble to a further meeting, although not declaring the meeting was one of the superintendent's court, does state that the superintendent was present. (*Presente superintendente*), *RStAKS*, I, 326.

<sup>127</sup> It has been assumed that the kirk session or superintendent's court met only once during any specific day and that the court which met was the highest court necessary to deal with the business in hand. Unlike the earlier practice of meeting on a Thursday, after April 1561 the meetings were generally held on Wednesdays at 2pm. Great effort was expended to encourage elders and deacons to both arrive on time and to remain for the duration, giving credence to the assumption that there was only one meeting. *RStAKS*, I, 72 (*bis*), 107, 343, 370. Since all matters raised before the kirk session alone could equally be raised before the superintendent's court it is both unlikely and unnecessary that, during one meeting, the superintendent's court would consciously reconstitute itself as the kirk session alone for the purpose of hearing kirk session business. Further, the absence in a minute of any specific reference to the superintendent does not imply that the matter was not raised before his court. There are numerous examples from the ten specifically identified meetings of the superintendent's court of matters being minuted without any reference to the superintendent before whose court they had clearly been raised. *RStAKS*, I, 131-132, 299-310, 316-318, 332-333. Also, matters were raised before the superintendent's court when it is known that Winram was absent. For example, on 2 July 1562 John Forret was in St Andrews pursuing a summons issued against his wife by John Winram. (*RStAKS*, I, 112). However, Winram was in Ballingary on a follow-up visit to the kirk of Alexander Wardlaw.



finally, meetings which were abandoned, with cases continued to a future date, because the superintendent was absent have also been included.<sup>128</sup>

The superintendent's court, like the kirk session before it, met in many different guises. As a court of first instance matters ordinarily competent before the kirk session were heard by the superintendent's court if it was the court sitting that day. Also, where no local kirk session existed to hear a case the matter was raised before the superintendent's court as, before April 1561, it had been raised before the St Andrews' kirk session. As an exclusive court of first instance the superintendent's court heard all cases involving kirk personnel<sup>129</sup> and, between June 1561 and August 1563 all petitions for divorce.<sup>130</sup> The court also functioned as a court of appeal where a local kirk session could not enforce its own discipline. Such appeals could only be made by a kirk session complaining about an individual within its parish. An individual wishing to complain about his or her local minister or kirk session was, after June 1563, directed to the superintendent's synod.<sup>131</sup>

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(*RStAKS*, I, 85). Also, on 6 July 1569 the superintendent's court met when Winram was absent at the General Assembly in Edinburgh (held between 5 July and 9 July). *RStAKS*, I, 321-322; *BUK*, I, 141-155.

<sup>128</sup> The implication being that the intention had been to hold a meeting of the superintendent's court. The Register records four such meetings. *RStAKS*, I, 331, 332, 341, 348. At only one of these meetings (*RStAKS*, I, 332) was any business concluded on that day. In exceptional circumstances for any meeting the members of the kirk session gathered allowed the marriage of Christine Zule and Patrick Ogilvy to go ahead that very day, not a Sunday and not in face of the congregation as stipulated in the ordinances, on account of the impending death of Ogilvy. This method of segregating the business of the superintendent's court from that of the kirk session, and consequently the analysis obtained, is considerably at odds with that adopted by Graham who has restricted his selection to those cases during which Winram was reported as being present and those cases where it was recorded that the kirk session was acting in his name. Graham, *Uses of Reform*, 82.

<sup>129</sup> This was the only category of cases that was never raised before the kirk session.

<sup>130</sup> In December 1562 the General Assembly ordained that from thence forth no office bearer was to take cognition of divorce cases except the superintendents and those to whom they gave special commission. *BUK*, I, 30. In 1564 all cases of divorce were to be heard by the Commissary Court of Edinburgh. *Intro. to Scottish Legal History*, 348, 368-371; *Guide to Scottish Archives*, 153.

<sup>131</sup> *BUK*, I, 32-33; StA MS 30451, fo 6r, item 15. When Effe Corstorphin appealed to the superintendent's court to overturn the decision of Crail kirk session regarding her failed claim of

### Case Types

The minutes of the superintendent's court do not give full details of each case so only comparisons of different types of cases heard before the court can be made. During the years 1562-1565, 1568-1569, the average number of new cases raised in the superintendent's court each year was twenty-nine. Although this was three times as many as the kirk session heard while the two courts ran concurrently, it was similar to the twenty-five cases (excluding recantations) raised before the kirk session in 1560, its only full year before the establishment of the superintendent's court.<sup>132</sup>

There was a noticeable difference in types of cases raised before the superintendent's court before and after 1566-67. In the years 1562-65, 78% of the cases raised before the court concerned marital or sexual offences. Although the formation, in 1564, of Commissary Courts removed some marital problems, such as divorce, from the jurisdiction of the superintendent's court the loss of these cases was initially balanced by an increase in the number of cases of other marital and sexual misdemeanours.<sup>133</sup> In 1564-65, cases of fornication doubled, and numbers of paternity claims increased. The court also judged more claims of marriage and attempts to stop marriages. By diversifying within its familiar spheres 80% of the court's cases were still exclusive to marriage and sex.

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marriage against Robert Arnot her appeal was thrown out. Winram informed her that the Crail decision was valid and he could not proceed with her cause. *RStAKS*, I, 257-260.

<sup>132</sup> Twenty-six in each of 1562 and 1563, thirty-five in each of 1564 and 1565; twenty-nine in 1568 and twenty-five in 1569. For the kirk sessions' case-load see Table 1, above.

<sup>133</sup> St Andrews' own commissary court was considered a great asset by Regent Moray who admitted that he, "havand regard to ye povertie and decay of ye citee of Sanctandros hes taine panis to procure yis iurisdiction and sait of iustice ... to be placit within ye said citee to ye increase of ye comoun wealth yairof." 9 March 1563/4, St A. Muniments, SS110.C3.

**Table 2: Cases raised before the superintendent's court: 1562-1565**

Year	Total No. of Cases	Marital % of Total	Sexual % of Total	Combined % of Total
1562	27	56	30	86
1563	26	46	19	65
1564	35	37	34	71
1565	34	56	32	88
1562-65 Yearly average		49	29	78

In 1566-67 the activities of the kirk session and of the superintendent's court all but ceased.<sup>134</sup> When the courts did resume they quickly regained their pre-1566 case load levels but marital and sexual offences now accounted for only 57% of the cases raised.

**Table 3: Cases raised before the superintendent's court: 1568-1569**

Year	Total No. of Cases	Marital % of Total	Sexual % of Total	Combined % of Total
1568	29	31	31	62
1569	25	28	24	52
1568-69 Yearly average		30	27	57

Over one third of cases now involved church discipline, religious observance and social discipline, double the level of 1562-65. Cases of disobedience to the discipline of the church more than doubled from their pre-1566 levels.<sup>135</sup> Cases of breaking the

<sup>134</sup> 1566 saw a combined total of 20 cases raised before both courts, compared with 49 the previous year. 1567 saw only four cases raised. The entries in the manuscript of the kirk session register end at the foot of a *verso* folio on 5 February 1565/6 with the next entry on the following *recto* folio dated 4 February 1566/7. The volume has been rebound but there does not appear to be any missing folios, with those in question being in the middle of a gather. SRO CH2/316/1, no pagination.

<sup>135</sup> From a total of three in the years 1564 and 1565 to a total of seven in the years 1568 and 1569.

Sabbath laws, previously unheard of before either court, became one of the most frequently heard categories of offence in the period 1568-69.<sup>136</sup> (Appendix 4)

**Table 4: Kirk Discipline, Social Discipline and Religious Observance cases raised before the superintendent's court**

Year	Total No. of Cases	Kirk Discipline % of Total	Social Discipline % of Total	Religious Observance % of Total	Combined % of Total
1562	27	11	0	0	11
1563	26	15	0	0	15
1564	35	9	0	6	26
1565	34	6	3	0	9
1562-65 Yearly average		10	1	5	16
1568	29	34	0	0	34
1569	25	20	8	8	36
1568-69 Yearly average		28	4	4	35

The reason for such growing diversification is unclear. The court's emphasis on those who broke the Sabbath reflects the concerns of the synod which had constructed complex regulations to enforce Sabbath observance.<sup>137</sup> Public conformity to the reformed faith was becoming the preferred 'test' of an individual's acceptance of Protestantism. The need for such 'public' conformity may also lie behind the superintendent's court's increasing pursuit of those who, having been brought before the church courts, chose openly to flout their rulings. Cases of disobedience to the discipline of the church more than doubled from their pre-1566 levels.<sup>138</sup>

<sup>136</sup> From nil in the years 1564 and 1565 to a total of seven in the years 1568 and 1569. See Appendix 4 for a detailed breakdown of cases.

<sup>137</sup> See above, pages 109-110. In 1565 the General Assembly was seeking powers from the civil authority to pursue those breaking the Sabbath. *BUK*, I, 58, 60.

<sup>138</sup> From a total of three in the years 1564 and 1565 to a total of seven in the years 1568 and 1569.

Winram's oversight of his province did not just mean oversight of the laity. He was also responsible for ensuring the correct behaviour of his fellow clergy. Ministers, readers, exhorters and pretenders to these offices were all liable to summons. 1563 saw an unusually high number of five cases raised before the superintendent's court, but on average only one case per year fell into this category. Of the cases that were settled before the court five resulted in temporary inhibitions from office and/or an order to make public repentance in the church in which the offence had been committed.<sup>139</sup> Two resulted in the defaulters being permanently deprived or excommunicated,<sup>140</sup> and on one occasion the minister and elders of the kirk session were summoned before the superintendent's court.<sup>141</sup>

Clerical defaulters came from a wide geographical area covering Fife, Perthshire and Strathearn. Most churches produced only one case but Crail produced four. While John Melville, brother to Andrew, was minister of Crail the superintendent's court was often involved in the affairs of his church. In 1561 Melville requested the court to force several of his parishioners to submit to discipline for their offences.<sup>142</sup> In 1563 Melville himself was summoned before the superintendent's court for allowing his reader, Thomas Skirling, to conduct marriages and baptisms. In particular he had permitted Skirling to conduct the marriage of Peter Jack against the express inhibition of the superintendent's court.<sup>143</sup> In December

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<sup>139</sup> *RStAKS*, I, 176-178, 179, 179-180, 277, 282.

<sup>140</sup> *RStAKS*, I, 172, 243-244.

<sup>141</sup> *RStAKS*, I, 176-178.

<sup>142</sup> *RStAKS*, I, 104-111.

<sup>143</sup> *RStAKS*, I, 176-178. Despite being advised that Peter Jack had been impeded from marrying until a prior claim of marriage had been settled by the superintendent's court, Melville had sanctioned the marriage.



1565 a similar charge of improperly conducting a marriage was brought before the General Assembly by Winram against Melville himself.<sup>144</sup> And in April 1566 sir John Davidson was charged before the superintendent's court with administering baptism in Crail when not authorised.<sup>145</sup> Where there was a problem with the behaviour of church personnel the superintendent's court could enforce close and effective oversight.<sup>146</sup>

### *Resolution of Cases*

Over all case types both the superintendent's court and the St Andrews' kirk session resolved cases at an impressive rate. During the 16 month period to April 1561, 59 cases were raised before the session including 27 recantations. Of these 59 cases 95% were brought to some form of resolution with judgements being pronounced. Following the establishment of the superintendent's court the session's resolution rate dropped slightly to 82%, close to the 81% of cases that the superintendent's court resolved. Cases were not always brought to the conclusion that the church might have wanted. Not everyone confessed to their misdeed and

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<sup>144</sup> *BUK*, I, 73.

<sup>145</sup> *RStAKS*, I, 277.

<sup>146</sup> Although there are no extant kirk session minutes from Crail, fleeting references in the burgh court records show some of the session's activities and its close working relationship with the burgh council. For example, in October 1566 the council sanctioned payment to Thomas Skirling for reading the prayers (8 October 1566, SRO B10/8/4, (no pagination)). Following Skirling's death the council gave notice that it was to elect a new reader (12 October 1568, SRO B10/8/4, (no pagination)), which it duly did and assigned to him Skirling's prebend (9 December 1568, SRO B10/8/4, (no pagination)). When Thomas Kinneir was elected as minister ("vith ye consent of ye superentdand") he bound himself to the discipline of the council (25 February 1566/7, SRO B10/8/4, (no pagination)). The council was also involved in other disciplinary matters. In January 1566/7 it interposed its authority onto that of the session in disciplining an elder for slander (7 January 1566/7, SRO B10/8/4, (no pagination)). It also ordered the elders to visit "viman yat ar in hauis yair alyne and keipis nocht yair virginity" (25 February 1566/7, SRO B10/8/4, (no pagination)), and stipulated an 8s fine for elders and deacons who failed to attend the Wednesday session meetings (4 November 1567, SRO B10/8/4, (no pagination)). For Winram's and Kinneir's troubled relationship, see below, pages 177-179.



performed their public repentance. Many cases were shifted sideways to the civil magistrate. Nevertheless, they were cleared from the church's courts.

By the time a case reached the superintendent's court there had already been many local and/or private initiatives to resolve the case. Although on average a case was heard before the court on two occasions this figure is misleadingly high due to the few cases that were heard over a considerable period and on many occasions. The majority of cases (61%) were heard on only one occasion with the superintendent's court often acting as an official witness to a matter already resolved rather than as the judge and jury in an undecided case. A typical scenario would see the party summoned either confess or be proven guilty or innocent, by witnesses already gathered, and, where appropriate, receive sentence.<sup>147</sup>

For example, in August 1568 Andrew Weland and Anne Anderson were accused of fornication. When they appeared before the court they both confessed. Showing signs of repentance, they were ordered to make their public satisfaction before the congregation of St Andrews the following Sunday, after which their child was baptised. They were also ordered to complete their marriage.<sup>148</sup> Similarly, in July 1564 by the time John Simpson and Andrew Cockburn's case got to court Winram, with the advice of his court, had already taken trial of their mutual slandering. The testimony of witnesses summoned and present on the day proved the charges. Simpson, who was minister of Kennoway, was ordered to make public confession

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<sup>147</sup> When Winram was challenged by David Luklaw, who was answering a charge of paternity brought by Madge Pride, that the testimony of women was invalid and should not be admitted the superintendent threw out the objection, admitting the women's testimony as the common practice of his court. *RStAKS*, I, 336-337.

<sup>148</sup> *RStAKS*, I, 247.

from his own pulpit and to baptise Cockburn's child. In return, Cockburn was to acknowledge his own rashness in the affair.<sup>149</sup>

Cases were settled at a similar rate whether they were heard on one or several occasions.

**Table 5: 'Clear-up-rates' of cases raised in the superintendent's court**

No. times heard	1	2	3	4	5	6	9	10	13
No. of cases	138	38	30	5	5	6	3	2	1
% cases settled	83	76	77	100	60	50	100	100	100

When a case was not settled at its first appearance in court the delay was often to enable new witnesses to be assembled and heard, rather than the result of intransigence on the part of the party charged. For example, many marital cases which were heard on two or three occasions began with a charge brought against an individual, but became complex when this was met with a counter charge for which additional witnesses were summoned.

If cases were hotly challenged the procedure could continue for months. When Robert Thomson was ordered to marry Gellis Moffat the case took fifteen months to be concluded. The case was originally brought by Gellis' brothers, as her guardians, on her behalf. Alleging that Robert had deflowered their sister they wished his forthcoming marriage to another woman to be prohibited that he might be forced to marry Gellis.<sup>150</sup> Having lodged the charge in March 1563/4 the accusers were

<sup>149</sup> *RStAKS*, I, 221-222.

<sup>150</sup> The *First Book of Discipline* allowed the father or nearest friend of a deflowered virgin to require the offender to marry the woman. *FBD*, 193. See too StA MS 30451, fo 4v, item N.

given a week to produce evidence, as well as their sister that she might give her testimony.<sup>151</sup> On the said day Gellis confirmed that she had lost her virginity to Robert, who admitted having sex but denied that he should marry her. A further week was given for him to produce written evidence of his defence.<sup>152</sup>

Robert put forward three areas of defence. First, that the accusation had not been made by Gellis herself but by her brothers. He was therefore not obliged to answer the charge. Second, that no lawful promise had been proven. Third, the argument that he should marry Gellis because she was a virgin ought first to require proof of her virginity. Robert contended that Gellis was a common whore therefore, although he had had sex with her, he was not bound to marry her. Moreover, he put forward the names of four men with whom she had “divers tymmis jonit hyr body in fornicacion and unclenes”. Although the court rejected Robert’s first two defences they admitted his third to probation, for which he was given a week to gather his evidence.<sup>153</sup>

Over the following month Robert produced many witnesses. Some were rejected by the court as being partial,<sup>154</sup> others were admitted but gave inconclusive testimony. Yet others were absent and re-summoned.<sup>155</sup> By 10 May, those pursuing Robert succeeded in having a circumduction ruling made.<sup>156</sup> A delay of seven months

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<sup>151</sup> 22 March 1563/4, *RStAKS*, I, 212.

<sup>152</sup> 29 March 1564, *RStAKS*, I, 212-213.

<sup>153</sup> 5 April 1564, *RStAKS*, I, 213-215.

<sup>154</sup> A number were Robert’s cottars and he held the right to evict them from their land and houses. As such the court felt that Robert held an undue influence over the testimony they might give. *RStAKS*, I, 215-216.

<sup>155</sup> 12 April 1564, *RStAKS*, I, 215-216; 19 April 1564, *RStAKS*, I, 216; 3 May 1564, *RStAKS*, I, 216-217.

<sup>156</sup> 10 May 1564, *RStAKS*, I, 217-219. A ruling of circumduction was made when a court deemed that the period allowed to gather and present evidence before it had elapsed.

then followed to test the determination of the Moffatts to pursue the claim of marriage. In January 1564/5 they duly returned to the court to resume their claim.<sup>157</sup> In June 1565, after fifteen months and eight hearings Robert's charge of whoredom against Gellis was found not proven and a decree ordering their marriage was issued.<sup>158</sup>

### *Punishments*

When a charge was proven before the superintendent's court a number of punishments could be handed down. Some misdemeanours resulted in no more than an admonishment not to re-offend. Others required a public act of satisfaction before the local congregation.<sup>159</sup> Successful claims of marriage, more often than not, led to the parties being ordained to solemnise their marriage within a given time span under pain of excommunication.<sup>160</sup> Similarly, charges of non-adherence, when proven, were most often dealt with by an instruction to adhere within a given time span, again under pain of excommunication.<sup>161</sup>

Charges of fornication and adultery were dealt with more severely. Confessed fornicators might find themselves undertaking any combination of being charged to

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<sup>157</sup> 3 January 1564/5, *RStAKS*, I, 219-220.

<sup>158</sup> 13 June 1565, *RStAKS*, I, 220-221. The dating of the re-pursuit of the case and decree is questionable. The register entry to the January hearing erroneously gives the year as 1563/4. It also states that parties were summoned to hear the decree pronounced the following week. In the event the date of the decree suggests it was not issued for a further five months. There were no further hearings of this case in the intervening period.

<sup>159</sup> In 1563 the General Assembly instructed its superintendents to inform local parishes if an offender had been ordered to make his or her public repentance in the local kirk. The incumbents were then to notify the superintendent if they had complied. *BUK*, I, 43.

<sup>160</sup> For example, Isobel Rynd and John Gardener, *RStAKS*, I, 247.

<sup>161</sup> For example, John Galbraith and Janet Brown, *RStAKS*, I, 308.

marry, to complete some form of public satisfaction before the congregation or being delated to the civil magistrate for additional punishment.<sup>162</sup> Adulterers were similarly committed to the civil magistrate.<sup>163</sup>

### Excommunications

The most severe punishment at the disposal of the court was that of excommunication. The synod had identified numerous classes of offenders subject to excommunication.<sup>164</sup> After due process any minister who had such offenders in his parish could proceed to excommunicate them; the right to excommunicate did not rest solely with John Winram as superintendent.<sup>165</sup> Graham has noted that “excommunications were much more likely to be issued under Winram’s authority”.<sup>166</sup> Of the twenty people excommunicated during the period in which both the kirk session and the superintendent’s court ran concurrently,<sup>167</sup> sixteen were dealt with exclusively by the superintendent’s court.<sup>168</sup> The appearance of these sixteen in the records of the superintendent’s court marked the final concluding moment of a long running, but ineffective, attempt to subject them to local discipline for their

<sup>162</sup> For example, John Yeasters and Helen Bunche, *RStAKS*, I, 180-181; James Miller and Janet Lauder, *RStAKS*, I, 244.

<sup>163</sup> For example, John Duncan and Janet Kay, *RStAKS*, I, 140-141. Adultery was a crime which the Kirk repeatedly petitioned the civil authorities to punish by death. The seriousness of the charge was not always appreciated by those who levied it against their spouses. At times the superintendent’s court was adept at reconciling couples by warning that the continued pursuit of the charge might lead to the death of their partner. For example, Robert Nicholson and Janet Effleck, *RStAKS*, I, 222-223

<sup>164</sup> See above, pages 113-114.

<sup>165</sup> StA MS 30451, fo 5v, item 8. *BUK*, I, 74-75, 145, 195. See above, pages 113-114.

<sup>166</sup> Graham, *Uses of Reform*, 85, note 39.

<sup>167</sup> No excommunications by the kirk session occurred before the establishment of the superintendent’s court.

<sup>168</sup> Some bias towards this court is to be expected if only for the simple reason that it heard three times as many cases as the kirk session.



offences.<sup>169</sup> They were all summoned on only one occasion to appear before the superintendent's court. They all failed to compear and "letters of excommunication" were issued against them. These letters were directed to a local kirk session authorising them to proceed with the full excommunications.<sup>170</sup> This was a process which the *First Book of Discipline* described as both "grave and slow".<sup>171</sup> Just how grave and slow this process was is evident from the four locals, John Dalglish, Janet Wemyss, John Bicarton and Helen Inglis, who were excommunicated. The recorded procedure to excommunicate Dalglish and Wemyss took four months, for Bicarton it took two months, and for Helen Inglis it took six weeks.<sup>172</sup>

On 30 January 1565/6 John Dalglish and Janet Wemyss, Lady of Carslogie, were summoned before the kirk session to answer charges concerning their fornication in not concluding their marriage and their refusal to have their illegitimate child baptised, charges all the more serious in light of their high social status within the city.<sup>173</sup> Before the matter was formally raised the session had already been

<sup>169</sup> Eleven of the sixteen are positively identified as residing outwith St Andrews, in Abercrombie, Abernethy, Creich, Cupar, Monymail and Muthil. The remaining five give no place of residence. Their crimes included adultery, disobedience, saying Mass, fornication, absence from communion, whore mongering and neglecting the office of readership in the kirk.

<sup>170</sup> An example of Winram issuing letters of excommunication to be implemented by the local minister and kirk session is seen in the case of sir John Henderson in the parish of Logie in Dunblane. Although his case does not appear in the minutes of Winram's superintendent's court, Henderson was excommunicated in 1570 for being "ane obstinat papist, a prophanar off the sacraments". He was excommunicated "be Alexander Fargy, minister off the kirk, at the command off the superintendent off Fyff, heving than commissioun in thir boundis". Sixteen years later, during a visitation of the diocese, it was reported that Henderson was still excommunicated. *Visitation of Dunblane*, 13-14. It is possible that Alexander Fargy was used by Winram as some sort of local agent in the Dunblane area. When minister at Logie, Fargy excommunicated the adulterer James MacKay in Aberuthven. *Visitation of Dunblane*, 47. Winram also used Fargy when admitting a reader to Aberfoyle, also in the diocese of Dunblane. 11 July 1573, NLS Adv. 17.1.3 new fos 395r+v.

<sup>171</sup> *FBD*, 167.

<sup>172</sup> *RStAKS*, I, 260-276, 194-205, 311-313. Added to these times are the unrecorded private attempts to secure submission to the court's discipline before the cases were publicly raised.

<sup>173</sup> 31 January 1565/6, *RStAKS*, I, 260-261. John Dalglish had been an early member of the congregation in St Andrews and had signed the 'General Band' in July 1559, *RStAKS*, I, 9. In April



striving for some time to bring the matter to a satisfactory conclusion. Their final effort had been to issue letters under their seal, and with the backing of the civil magistrate, warning Dalglish and Wemyss to appear before the session or face excommunication. Despite copies of these letters being personally delivered to them neither party appeared. The process of excommunication was thus invoked.

The first letters of monition were to be issued and publicly read before the congregation in ten days time, with the proviso that the process would be stopped if the parties appeared before the session in the intervening period. At the following meeting of the kirk session, five days before the letters were to be executed, Dalglish did make an appearance.<sup>174</sup> However, rather than submit to the discipline of the session he raised objections to be considered by them, but left without waiting to hear their answer. His objections were dismissed and his disobedience in refusing to await an answer was censured. It was concluded that a letter of monition should be issued as planned. The following day the letter was penned by the session and given to the reader to be read that Sunday. The register records its tenor in full.<sup>175</sup> This letter recounted the charges against Dalglish and Wemyss and the process observed to that time. It also summoned them once more to appear before the session the following Wednesday. Failure would result in the session continuing its process of excommunication, “the gretest and last punischiment belangand to the spirituall

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1564 Janet Wemyss had sought divorce from her husband Robert Boswall. The kirk session register records no conclusion to the case. *RSIAKS*, I, 207-212. However, that one of the charges brought against Wemyss in 1566 was not concluding her marriage to John Dalglish suggests that she was granted her divorce as the innocent party.

<sup>174</sup> 6 February 1565/6, *RSIAKS*, I, 261.

<sup>175</sup> *RSIAKS*, I, 261-263.

ministre". The letter was read before the congregation to no effect and the second letters of monition were subsequently issued.

The second letter having been read both Dalgleish and Wemyss did appear before the superintendent's court on 20 February 1565/6. Rather than submit to the discipline of the kirk they requested a definition of the word "hurdom". Those gathered were happy to comply informing them that:

hurdom is signified and to be understand fylthye lechery, committit wyth contenance, and perseveryng in the filthy vice to the gret sclander of this congregacion.

Having felt progress had been made towards reconciling Dalgleish and Wemyss to the kirk they were granted a week's delay in further proceeding against them.<sup>176</sup>

The following week both failed to appear before the kirk session which concluded that a third letter of monition was to be issued and read on Sunday 28 February 1565/6. However, a further delay of five weeks was granted at the request of Dalgleish's master, Lord of Craighall, who hoped that by his private counselling he could persuade Dalgleish and Wemyss to submit to the discipline of the kirk.<sup>177</sup> Such an approach failed and the third monition, recorded in the register, was issued and read before the congregation on 7 April 1566. This letter summoned Dalgleish and Wemyss before the session the following Wednesday. Failure to comply would result in the session proceeding to the final execution of excommunication.

Despite their absence on 10 April, and the requisite three letters of monition having been duly issued and read, the session was still reluctant to proceed to the excommunication. Instead, pleas were directed to the friends of Dalgleish and

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<sup>176</sup> *RStAKS*, I, 263-264.

<sup>177</sup> *RStAKS*, I, 264.

Wemyss to counsel them to repent. The minister was charged to proclaim their disobedience and the pains of excommunication before the congregation the following Sunday. Prayers were made for them and a further week of mercy was granted. All members of the congregation were invited to object to the proceedings of excommunication. If no-one raised any objection before the session the assent of the whole congregation would be assumed.<sup>178</sup>

On 17 April, before the superintendent's court, Dalglish and Wemyss did submit defences against the charges, including a counter-charge that the ministry were incompetent judges in the matter, all of which were rejected. With no members of the congregation having objected the excommunication was to proceed on Sunday 5 May, unless the parties repented. On the intervening two Sundays public prayers were made for their repentance but none was forthcoming and the kirk session issued the necessary letters of excommunication, recorded in the register, on 1 May, and publicly issued on 5 May 1566, four months after the procedure was initiated.<sup>179</sup>

These local excommunication cases involved a process of three public summonses, numerous attempts at private counselling and ample opportunity for delays and reconciliation before a sentence of excommunication was issued by the minister under the charge of the session. The whole congregation was involved in the long public preparation for the excommunications and in the final sentence. At each stage congregational assent to the session's action was sought. Each member of the congregation was given the opportunity to object to the act of excommunication.

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<sup>178</sup> *RSIAKS*, I, 265-266.

<sup>179</sup> *RSIAKS*, I, 266-276. Although the letter of excommunication is not endorsed as having been executed it is known that Wemyss was excommunicated. In 1570 she was restored to the congregation. 29 March 1570, *RSIAKS*, I, 333.

None accepted. Their silence was a mark of the “plane consent of the holl congregacione to the execucione of the excommunicacione”.<sup>180</sup>

Although the superintendent’s court was involved in each of these local excommunications this was more by accident than design. The fact that these cases were discussed on many occasions over the weeks and months rendered it inevitable that they would, on occasion, be discussed on days when the St Andrews’ session met as the superintendent’s court in light of its other business that day. However, in each case it was the minister, elders and deacons of the session, as the “watchmen” over Christ’s flock, who actually executed the excommunications.<sup>181</sup>

## Summary

When, during the years 1562-1565, 1568-1569, the superintendent’s court worked, it worked very well. It maintained a consistently high case load and achieved an exceptionally high clear-up-rate. Although some cases continued for many months 70% were concluded within three hearings.<sup>182</sup> The primary reason for the successful

<sup>180</sup> *RSIAKS*, I, 202, 203, 267, 275.

<sup>181</sup> Not until August 1573 were ministers prevented from excommunicating without the express “assent” of their bishop, superintendent or commissioner. *BUK*, I, 284. Inglis, Bicarton, Dalgleish and Wemyss were all excommunicated prior to the publication of Knox’s “Order of Excommunication” in 1569. The “Order” was only published in July 1569, in accordance with a General Assembly ordinance, however that does not mean that before that date there was no nationally sanctioned procedure to follow. (*BUK*, I, 155; Knox, *Works*, VI, 447-470, especially 460-468). Having recognised the need for such an Order the General Assembly commissioned Knox to formulate it as early as 1563. (*BUK*, I, 37). This “Order” was revised in June 1567 (*BUK*, I, 93) and July 1568 (*BUK*, I, 131). The similarities between the pre-1569 order followed in St Andrews and Knox’s “Order” are marked. Both involved numerous private and three public admonitions. In both orders, following the third public admonition, the final sentence of excommunication was delayed to give an opportunity to all members of the congregation to object to the process. In both orders formal public prayers were made for the reconciliation of the party. In both orders the final sentence of excommunication was issued by the minister under the charge of the kirk session.

<sup>182</sup> This efficiency was in marked contrast to, for example, the Commissary courts where cases were often defeated by the absence of witness, pursuants and defendants. See, for example, the dispute over John Winram’s will, below, pages 270-272.

administration of discipline in Fife was the numerous strong links established between parish, superintendent, court and synod. The representative nature underpinning the synod's mandate was supported by the judicial authority provided by Winram's superintendent's court and its effective handling of cases. There were many factors which contributed to the effectiveness of the court.

Firstly, there were clear goals. The synod had decided upon standards of behaviour expected in the parishes and the ministers and the superintendent knew exactly where the focus of their oversight should be. A second factor was the local dimension of discipline. It was the local kirk sessions who were responsible for the primary oversight of behaviour and for initiating disciplinary procedures. Even when a case was referred up to the superintendent's court in St Andrews the local dimension was never lost. It was local people who were approached to give evidence as part of the extensive and painstaking preparation of cases, which was a third factor contributing to the effective discipline. Both pursuants and defendants were offered official letters, issued by Winram, citing their witnesses to appear and testify. Other kirk sessions were approached for assistance as and when required. A fourth factor in the court's success was the absence of procurators or lawyers once a case reached the court. Complex and protracted legal arguments were avoided when pursuers and defendants conducted their 'cases' themselves.<sup>183</sup>

The efficiency of the court was complemented by a large degree of willingness on the part of the laity to accept the court's rulings. This court was both

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<sup>183</sup> In 1563 Winram had refused to admit procurators who had turned up at his court to pursue a case, arguing that by doing so he was "tending to keip the ordour of the sayt". *RS/ASKS*, I, 175. The lack of legal officials did not mean that the court was incompetent. The relative stability in the membership of the St Andrews' kirk session, which formed the superintendent's court, meant that Winram's office bearers were both competent in, and familiar with the practice and procedure of his court.

free and accessible. It was also fair. There is no evidence of vindictiveness or harshness in its rulings. The superintendent's court was also complimented by the workings of the civil magistrate within St Andrews. Because the civil discipline was effective neither the superintendent's court nor the kirk session was compelled to pursue 'civil' crimes such as assault, theft or slander. In the decade following John Winram's appointment as superintendent of Fife the infrastructure necessary for the oversight of his province was established. The regulatory authority of the synod was supported by the judicial authority of the superintendent's court. Linking the two, and linking each to the parishes through his visitations, was John Winram.



## V

**Clerical Admissions**

Judicial oversight of his district was not the only form of supervision undertaken by John Winram (or any of the other superintendents). The *First Book of Discipline*, and subsequent rulings by the General Assembly and parliament, made it clear that an equally important role was the oversight of the qualifications and suitability of parish incumbents.<sup>184</sup> The Kirk held that it was vital that it regulated and controlled all appointments to parishes. Unlike England, the church was not prepared to welcome all pre-Reformation parish clergy into the Reformed Kirk on the assumption that they would conform to the new doctrines. The Kirk would rather leave a parish vacant than have it served by an unsuitable man.<sup>185</sup> Appointments were only to be made following a rigorous procedure consisting of election, examination and admission. This would ensure that those serving in the parishes were competent and “orderly ... called”.<sup>186</sup> It fell to the district superintendents to conduct the examinations and admit those candidates who proved suitable.

**Rules governing admissions**

Within days of his admission John Winram and his court formulated and adopted a detailed statute for the trial and admission of all existing and future ministers, exhorters and readers within the district.<sup>187</sup> The exacting process

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<sup>184</sup> See above, pages 82-88.

<sup>185</sup> *FBD*, 104.

<sup>186</sup> *FBD*, 17-27, 96-107.

<sup>187</sup> 25 April 1561, *RStAKS*, I, 75-76.

prescribed included an examination of each incumbent's doctrine, life and conversation. Ministers had to demonstrate competence in expounding the Scriptures, exhorters had to prove their ability to exhort, and all had to show proficiency in reading. Existing incumbents would be examined in their own parishes as part of Winram's annual visitation. All future prospective candidates were to travel to St Andrews to be examined in Winram's principal town of residence. Although the control of admissions was a priority for Winram all surviving references to his involvement in this area of his oversight date from February 1566/7 onwards, with most linked to Acts of Council or of Parliament passed after October 1566.<sup>188</sup>

An act of the Privy Council in 1566 had already stipulated that only those men whom "the superintendentis and assemblie of the kirk, aftir dew examinatioun, sall find abill, qualifiit, and sufficient" were to be appointed to benefices under 300 merks.<sup>189</sup> The following year an act of Parliament extended this and ruled that admission to all benefices within Scotland be "onlie in power of the Kirk".<sup>190</sup> Superintendents and commissioners of the kirk were to receive presentations to benefices within their districts from lawful patrons, examine the candidates so presented and, if found qualified, to give them collation of the appropriate benefice.

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<sup>188</sup> The earliest reference found being the case of Thomas Kinneir, minister of Crail. In recording his subjection to the discipline of the burgh council of Crail, Kinneir noted: "I am frily chesing and electit minister of Craill ... vith ye consent of ye superentdand". 25 February 1566/7, SRO B10/8/4, (no pagination). The renewed zeal both in Parliament and in the General Assembly after 1567, sometimes noted as the second Protestant Reformation in Scotland, was spurred by the abdication of Mary, Queen of Scots, on 24 July 1567 and the subsequent election of her half brother, and Winram's prior, Lord James Stewart, Earl of Moray, as the Regent for the infant King James. Lynch, *Scotland*, 196-202. The General Assembly believed that although the events of 1559-60 had laid a good foundation, the events after 1567 would provide "the kaipstone of that work". *BUK*, I, 121.

<sup>189</sup> 3 October 1566, *RPC*, I, 487-488.

<sup>190</sup> *APS*, III, 23.

The control over admissions which this new legislation afforded was two-pronged. It was not only new incumbents being admitted to their first benefice who were examined, but also existing incumbents being admitted to any additional benefice which had become available.<sup>191</sup> This allowed both for checking the suitability of new clergy and preventing those existing, but unsuitable, clergy from acquiring further precious revenues (the power to deprive unsuitable clergy of their benefices was not secured by the Kirk until January 1572/3).<sup>192</sup>

Within six months of a benefice becoming vacant the lawful patron was required to issue a letter of presentation to his candidate.<sup>193</sup> If the patron failed to do

<sup>191</sup> An exception of admitting without examination was made when the superintendent of Angus, John Erskine of Dun, was presented to the parsonage of Dun in August 1575. Letters were sent to John Winram, as the next adjacent superintendent (Erskine of Dun could not admit himself), "requiring him to admit the said Jhone Erskin ... seing it is knawin that he is qualifeit to use the office of ministerie within the kirk of God, and to authorize him with testimonie of his admissioun as effeiris". RSS 7/266. Winram's testimony of admission did indeed testify to Erskine of Dun's suitability for the post recording that it was "knawin be large experience the sufficient qualificatioun the godlie literatur and gude conuersatioun of ye said Jhone togidder wyth his greit laboris and diligent trawell sustenit in ye ministrie of ye kirk of God within yis realme". *Brechin Registrum*, II, 308-309.

<sup>192</sup> When the parliamentary 'Act of Conformity' required all those holding a benefice and not already acknowledging the authority of the Reformed Kirk to subscribe to the Articles of Religion and swear an oath acknowledging the King's authority. Anyone who failed so to do was to be "*ipso facto* depriuit and all his ecclesiasticall promotiounis and leving salbe vacand as gif he war than naturally deid". The same fate was to befall those holding benefices who also held doctrines "directly contrair or repugnant to ony of the saidis articklis". APS, III, 72. Because of repeated examinations it was not uncommon, when a benefice became available, for the holder of one office to be examined for a different one. For example, the readers John Weemys and David Cowper were examined for posts as either readers or ministers (RSS, 6/1723, 7/643) and the exhorter John Rhynd was examined for the post of exhorter or minister (RSS, 6/1126). That the minister Robert Paterson was examined for the office of exhorter shows that such changes in office were not simply a reflection of "promotion" from reader to exhorter to minister as envisaged in the *First Book of Discipline* (RSS, 6/971; FBD, 111-112). Admission to a particular office may well have reflected equally the value of the benefice as the abilities of the holder. That payments were made in relation to the duties of the incumbent is suggested by the sliding scale of "pensions" paid to canons of St Andrews' Priory depending on their function within the Kirk. As a general rule, those canons who did not serve the Kirk received a pension of £40; those who served as readers and exhorters received 100 merks, with those who served as ministers receiving the highest pension of £80. See below page 213 and notes.

<sup>193</sup> APS, III, 23. The biggest patron was the Crown which in 1560 had asserted its right of patronage over religious institutions to which over 80% of all parishes churches were appropriated to. Wormald, *Court, Kirk and Community*, 127. In 1568 the General Assembly challenged the crown for failing to make nominations to benefices under crown patronage within the required six months. BUK, I, 27.

so the Kirk (in practice the superintendent or commissioner of the district within which the benefice lay) would nominate its own candidate.<sup>194</sup> It was important for the candidate to register his patron's letter under the privy seal. Only through the privy seal could he secure the necessary instruction to his district superintendent or commissioner to proceed with his examination.<sup>195</sup>

The instructions for examination were at their most elaborate following a ruling by the General Assembly at the 1572 Convention of Leith which required those holding a benefice to subscribe to the Confession of Faith and the Articles of Religion passed by Parliament in 1567, and to recognise the King's authority.<sup>196</sup> By then the process involved the examination of a candidate's "doctrine, literature and guid conversatioun" and his ability to perform the office to which he was presented. It was also necessary for the examiner to "ressave the confessioun of his [the candidate's] faith, his aith for acknowlegeing and recognoscing of oure soverane lordis autoritie and dew obedience to his ordinar".<sup>197</sup> Only if all of these conditions

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<sup>194</sup> Winram made use of this ruling in 1569 when a Catholic patron, Laurence 4th Lord Oliphant, refused to nominate anyone for an office within the Reformed Church. See below, pages 156-160. *RSS*, 6/582.

<sup>195</sup> In the fifteen years to the end of 1582 (*i.e.* for the period covering the remainder of John Winram's life) over six hundred presentations are recorded in the Privy Seal together with the subsequent instructions to district superintendents and commissioners to conduct the necessary examinations and issue the relevant collations. Determining precisely where John Winram fitted into these presentations is complicated by his changing areas of jurisdiction as superintendent. His district changed with each appointment or demission of archbishops of St Andrews and of additional district commissioners. The mercurial nature of his bounds is reflected in his ever-changing title. He is variously styled superintendent of Fife, Fotherick, Strathearn, Menteith, Stormont, St Andrews, Perth - together with several combinations of these.

<sup>196</sup> *BUK*, I, 212, referring to the Act of Parliament "The Confessioun of the Faith and Doctrine beleuit and professit be the Protestantes of the realme of Scotland, exhibeit to the Estates of the same in Parliament, and be thair publict votes authorized as a doctrine foundit vpoun the infallible word of God", *APS*, III, 14-22. The Act of Conformity granted power to remove those who refused to adhere to these conditions. See above, note 192.

<sup>197</sup> For example, *RSS*, 6/1456.

were satisfied were testimonials of his admission to be issued.<sup>198</sup> If a candidate proved unsuitable the examiner was to inform the patron in order that “ane uther bettir qualifiit may be nominat and presentit”.<sup>199</sup> Ideally the examinations were to be completed within a month of the initial instructions being issued. However, in light of the gravity of the process, a longer period was granted if the remoteness of the area so dictated.<sup>200</sup>

## Winram's Admissions

### *Examinations*

Some fifty-seven presentations, spread over all of his districts, can be assigned to Winram.<sup>201</sup> (Map 5) Of these forty six arose from death, four from the

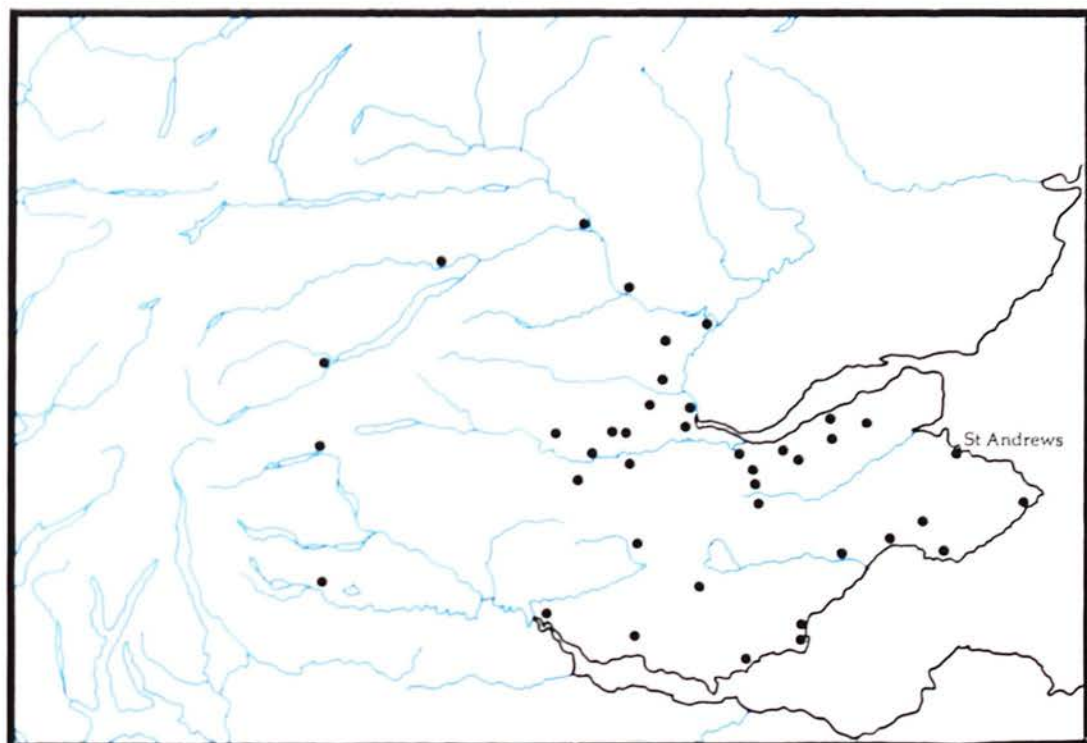
<sup>198</sup> Both the examiner's letters of testimonial and admission, together with the original instructions from the privy seal had to be produced at the time of admission, *RSS*, 6/400. The importance of the superintendent's letter is highlighted in the disputed readership of Monimail in Fife where one claimant refused to yield his office until he had seen “the superintendent writing” which discharged him and admitted another. *RStAKS*, I, 326-327.

<sup>199</sup> For example, *RSS*, 6/1456. Despite the regulations some examiners were lax and the General Assembly exhorted all superintendents and commissioners “to be circumspect and warie in giving their letters testimonials to any persons presented to benefices, except to such allenerly as they perfectly should know, due examination preceeding, to be able to instruct and teach sincerely in the Kirk of God”. *BUK*, I, 198.

<sup>200</sup> For example, 2 months were allowed for some examinations in Caithness, Elgin and Forres, and Argyll, *RSS*, 6/1562, 8/102, 8/834; 3 months in Shetland, *RSS*, 6/2727, 7/1097; 4 months in Banff, *RSS*, 6/1537. The excessive times allowed of six months (Haddington *RSS*, 7/2128) and one year (Dumfries and Dunkeld *RSS*, 6/322, 6/404) cannot be justified on the basis of remoteness and perhaps reflect political considerations.

<sup>201</sup> The earliest extant reference to an examination by Winram (excluding his “consent” to Thomas Kinneir's appointment at Crail) was that of James Blackwood in April 1567, conducted under the terms of the October 1566 Act of Council. In his letter of collation, copied into the chartullary of St Andrews' priory, Winram noted that he had taken trial of Blackwood's life, conversation, qualification in letters and doctrine and had found him fit to be exhorter at the kirk of Saline. 4 April 1567, *NLS Adv.* 17.1.3 new fo 382r. Perhaps mindful of the Act of parliament passed on 20 December 1567 Blackwood had his copy of Winram's letter of presentation, recording his successful examination, registered with the privy seal five days later. 25 December 1567, *RSS*, 6/68.





**Map 5: Locations of Admissions attributable to John Winram**

reassigning of benefices originally intended for other institutions,<sup>202</sup> three from deprivation for failing to subscribe to the confession of faith and articles of religion, two from deprivation for treason, one through demission, and one for reasons not stated. Only four of the presentations directed to Winram can be fully dated.<sup>203</sup> These show that Winram completed his examinations within the required one month, indeed the examination of one Malice Graham was concluded within five days.<sup>204</sup>

<sup>202</sup> RSS, 6/326 - "vacand be ressoun the fruitis of the samin war dotat to the furnissing of breid and wyne to the channonis in thair papisticall service within the cathedrall kirk of Dunblane"; RSS, 6/348 - "formerly pertaining in common to the canons of Dunkeld"; RSS, 6/400 - "vakand be ressoun the fruitis ... war dotat to the uphald of certane chapellanis and prebendaris within the college kirk of Sanct Geill of Edinburgh quhilkis for the maist pairt ar deceissit"; RSS, 6/955 - "formerly pertaining in common to the chantry priests of Dunkeld, now vakand be ressoun the singing of the saidis preistis ceassis".

<sup>203</sup> *i.e.* when the instructions to examine were issued to Winram under the privy seal, and when Winram issued his letters of admission.

<sup>204</sup> William Russell, instructions for examination issued on 9 October 1570, letters of admission issued on 30 October, RSS, 6/929, SRO NP1/26, fos 95r+v; William Ruthven, instructions for examination issued on 3 August 1572, letters of admission issued on 25 August, RSS, 6/1694, NLS Adv. 17.1.3 new fo 381v; Malice Graham, instructions for examination issued on 6 July 1573, letters of admission issued on 11 July 1573, RSS, 6/2027, NLS Adv. 17.1.3 new fos 395r+v (copy taken from a second



Each of these examinations took place in St Andrews. Although candidates were being presented to benefices throughout his district most, if not all, travelled to Winram's principal town of residence.<sup>205</sup>

Sometimes when a candidate presented himself to Winram his privy seal letter allowed for a choice of offices (minister, exhorter or reader) instead of specifying the office to be bestowed.<sup>206</sup> In only one such case has Winram's subsequent letter of admission survived leaving it unclear whether the superintendent was to determine which particular office in the church the candidate would serve. William Ruthven was sent for examination as a potential exhorter or reader at the church of Trinitygask.<sup>207</sup> Winram's testimonial of admission does not stipulate a final choice of office but records that Ruthven was "sufficientlie qualefeit and able to vse ye charge of ane exhortar or reyder". Winram admitted him "to exhort or reid and instruct ye parochineris ... be him self according to the talent yat God hes grantit vnto him".<sup>208</sup>

Winram was a conscientious examiner, and admission did not automatically follow presentation. For example, Henry Seaton, having been presented to the vicarage of Aberfoyle, presumably after successful examination, failed to submit himself to Winram as his "ordinar iuge", to subscribe to the articles of religion,

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source printed in *Red Book of Menteith*, II, 315-316). Letters of admission of John Erskine of Dun to the parsonage of Dun, although not requiring his examination by Winram, were issued by him nine days after the privy seal letter was issued. RSS, 7/266, *Brechin Registrum*, II, 308-309.

<sup>205</sup> This accorded with the practice Winram had initiated in 1561 in his own superintendent's court.

<sup>206</sup> For example: minister or exhorter - RSS, 6/1126; minister or reader - RSS, 6/509, 6/523, 6/604, 6/1383, 6/1417, 6/1723, 7/551, 7/643; exhorter or reader - RSS, 6/891, 6/1694. The same was true of instructions sent to other examiners.

<sup>207</sup> RSS, 6/1694.

<sup>208</sup> 25 August 1572, NLS Adv. 17.1.3 new fo 381v.

passed by parliament in 1573, and to acknowledge the King's authority.<sup>209</sup> As a result, Winram did not sustain the presentation, Seaton was deprived and the vicarage declared vacant. Malice Graham was subsequently presented.<sup>210</sup>

### *Admission*

Following examination, a candidate who fulfilled the necessary conditions would be admitted and received by Winram. The act of admission appears to be little more than an administrative recording of the facts.<sup>211</sup> Letters of "admission and collation", signed by Winram and sealed with his "seal of office", were sent to kirk personnel in the local area.<sup>212</sup> These local men were to carry out Winram's detailed instructions regarding the possession ceremonies.<sup>213</sup> At Aberfoyle Winram instructed those carrying out the possession ceremony to:

<sup>209</sup> *APS*, III, 72, "That the adversareis of Christis Euangell sall not Inioy the Patrimonie of the kirk".

<sup>210</sup> *RSS*, 6/2027; *NLS Adv.* 17.1.3 new fos 395r+v. The same fate befell Patrick Morton who was deprived of the provostry of Crail. The then vacant provostry was originally intended for Thomas Kinneir, minister at Crail, but within months it was reassigned to Thomas Myreton (*RSS*, 7/370, 7/551). It is possible that Kinneir was refused the provostry because of his failure to fulfil his duties as minister. Kinneir was excommunicated in October 1577 for adultery, deprived of his benefice by the burgh council of Crail, who paid his stipend, and eventually banished from the burgh. For a full discussion see below, pages 177-179.

<sup>211</sup> For example, in letters issued to local kirk personnel instructing them to conduct a ceremony of possession, not admission, Winram recorded that he had "ressavit and admittit and be the tennor heiroyf ressavis and admittis [William Ruthven] to ye ... vicarage of Trinetigask"; and had similarly "be tenor heiroyf admittis [Malice Graham] to ye ... vicarage [of Aberfoyle]". The three such letters known to survive are those for William Ruthven to Trinitygask (*NLS Adv.* 17.1.3 new fo 381v); John Carnegie to Collessie (*NLS Adv.* 17.1.3 new fo 358r) and Malice Graham to Aberfoyle (*NLS Adv.* 17.1.3 new fos 395r+v).

<sup>212</sup> It is unclear whether this was his seal as superintendent or a special seal described on one occasion as that "quhilk we ws in such cais". *NLS Adv.* 17.1.3 new fo 382r.

<sup>213</sup> The addressees were either general - "to all and sundrie quhom it efferis", *NLS Adv.* 17.1.3 new fo 381v; or "to ony minister or reader within my iurisdiction", *NLS Adv.* 17.1.3 new fo 358r; or were specific named men - "to Allexander Forgy, Michael Drumund or to ony other minister within my iurisdiction", *NLS Adv.* 17.1.3 new fos 395r+v. See above, note 170, for Fargy's other links with John Winram.

pass with ye foirsaid Malice to ye kirk of Abirfuill and ther putt him in possession of ye said vicarage be putting in his hand and exhibition of ye buk callit ye bible and placeing of him in ye pulpot yairof. And yairefter pass to ye manss pertaining to ye said vicarage and yair in lik maner giff him possession of ye samin be including of him in the principall house yairof.<sup>214</sup>

No account of the local ceremonies which followed upon receipt of Winram's instructions has been found. However, the procedure would have been similar to that in Cartachy, in Angus. In April 1572 James Ogilvy, the new minister, handed over his letter of admission (issued by his superintendent, John Erskine of Dun) to David Black, the minister of nearby Kirriemuir.<sup>215</sup> On the first convenient Sunday, Black accompanied Ogilvy to his new parish church. After the sermon, at about 2pm, Black read to the congregation the superintendent's letter which testified to the successful trial of Ogilvy's "doctrin, qualificatione, literatour and conversatione". That done, Black gave the new minister possession of the parsonage and vicarage by placing a copy of the Bible into his hands and Ogilvy publicly accepted his new charge.<sup>216</sup>

<sup>214</sup> NLS Adv. 17.1.3 new fos 395r+v (copy taken from a second source printed in *Red Book of Menteith*, II, 315-316). The presentation of a Bible and the placing of the presentee in the pulpit was also observed in 1570 by John Erskine of Dun when admitting Mr James Erskine (probably his son) to the parsonage of Dun and when Erskine of Dun was himself admitted to the parsonage of Dun, *HMC* 5th Report, 634; *Brechin Registrum*, II, 308-309. (See too NLS Adv. 17.1.3 new fos 358r, 381v; SRO NP1/26 fos 95r+v; SRO GD16/46/13; St A. Muniments, SS'B', fo 149v for other ceremonies involving the presentation of the Bible or of the 'Psalm Book', i.e. the *Book of Common Order*). This ceremony contrasts starkly with the 1548 instructions issued by Winram and Lord James Stewart (as vicars general of the vacant St Andrews see). On that occasion Sir John Pery was presented to the vicarage of Binning and the letters of collation record that Winram and Lord James personally collated Pery to the office "by placing their ring on his finger". Thereafter the vicars general instructed those whose received the letter of collation to "induct the said Sir John Pery to the actual real and corporal possession of the said vicariate and the rights, fruits, rents, profits, and pertinents thereof by delivery of chalice and paten, Mass book and altar ornaments of the said church of Bynning and the keys of the same". 8 June 1548, SRO RH6/1435 (taken from the Calendar entry). The process also contrasts with "The forme and ordour of the electioun of the superintendents, quhilk may serve also in electioun of all uther ministers" used in 1561. Knox, *Works*, II, 144-150.

<sup>215</sup> The privy seal letter ordering Ogilvy's examination by Erskine of Dun can be found in *RSS*, 6/1457.

<sup>216</sup> 6 April 1572, SRO GD16/46/13.

Occasionally Winram conducted possession ceremonies himself, such as when William Russell was admitted to the prebend of Rungallie and Dury in the “college kirk heuch” in St Andrews.<sup>217</sup> Taking advantage of a ruling by the General Assembly, six months earlier,<sup>218</sup> Winram ensured that Russell’s admission to the fruits of the prebend during his lifetime was conditional, and that after Russell’s death the prebend would be united to St Leonard’s college.<sup>219</sup> Having agreed to this condition Russell accompanied Winram to the place where the then demolished church had stood and there the superintendent admitted him to the prebend by placing into his hands “ye buik of God callit psalmes of David”.<sup>220</sup>

### Findogask

When it came to assigning a manse in Findogask, 6 miles west of Perth, Winram had to have his wits about him. The local laird, Laurence, 4th Lord Oliphant, whose ancestral lands of Dupplin lay to the south and east of Findogask, had retained

<sup>217</sup> RSS, 6/929; SRO NP1/26, fos 95r+v. Winram conducted another admission ceremony when visiting Findogask, 7 November 1573, SRO CH8/30, see below pages 156-160. A claim by David Durie that during his visitation to Monimail Winram had admitted him to the office of reader “be word at the kirk style” appears to have been unfounded. In this case of claim and counter claim before the superintendent’s court Durie petitioned that he had superseded John Webster as reader at Monimail. That the admission was said to have been made “by word” suggests that there was no written documentation to support it and would explain Winram’s resort to probation of witnesses rather than referral to his book of visitation. Four years later John Webster was still serving the parish in the elevated position of exhorter. *RStAKS*, I, 326-328; *Fasti*, VIII, 449.

<sup>218</sup> That vacant chaplainries were to be “disponit to the colledges, or to the pure”. 5 July 1569, *BUK*, I, 155.

<sup>219</sup> Of all the superintendents and commissioners Winram seems to have exploited this ruling the most - making use of it when admitting Robert Winram to the profits and yearly duty of the lands of Moneydie Roger; Robert Wilkie to the chaplainry of St John and St Olave in St Salvator’s college and John Rhynd to a chaplainry in the parish church of Perth. On each occasion the admissions were conditional on annexation to St Leonard’s College following their deaths. (RSS, 6/955, 6/1032; 6/1126). The only other such conditional admission recorded in the privy seal for this period was made by Mr Andrew Hay, commissioner for Clydesdale, of Robert Boyd to the vicarage pensionary of Glasgow on condition he annexed it to the “pedagog” situated within Glasgow. RSS, 6/1261.

<sup>220</sup> SRO NP1/26 fos 95r+v.

his Catholic faith.<sup>221</sup> Moreover, he was prepared actively to oppose the establishment of a reformed clergy in his area. In 1564 the General Assembly petitioned the Queen to punish those who had “steiked the doores of the paroch kirks, and will not oppin the samein to preachers that presentit themselves to have preachit the word.”<sup>222</sup> One area singled out for offering such resistance was Lord Oliphant’s Dupplin.

In another ploy to prevent preachers occupying Dupplin Lord Oliphant refused to exercise his right of patronage and nominate a replacement when the parsonage became vacant. Having waited the statutory six months for Lord Oliphant to nominate his own candidate Winram, as the district superintendent, intervened. Claiming the right of presentation had, by default, fallen to him, Winram presented William Melrose, exhorter at Findogask, to the parsonage in April 1569.<sup>223</sup>

This appointment angered Lord Oliphant. In 1571 he vented his anger by gathering some 60 of his supporters in Findogask, where Melrose had his manse.<sup>224</sup>

On 4 August Oliphant and his gang marched on the manse and there:

maisterfullie destroyit and pat to the ground his [Melrose’s] haill chalmer, cuttit the ruife of it, and destroyit the lofting of the same, swa that ...[Melrose]... wes utterlie destitute of a place quhairin he mycht studie and mak his residence for serving of the parochinaris of Findogask, bayth to his utter wrak and heirschip and to the parochinaris great lose of wanting of his accustomat service in the said kirk.<sup>225</sup>

<sup>221</sup> *Scots Peerage*, VI, 546-548.

<sup>222</sup> *BUK*, I, 53.

<sup>223</sup> *APS*, III, 23; *RSS*, 6/582.

<sup>224</sup> In fact Findogask had two manses. In 1563/4 James Chesholme, Archdeacon of Dunblane, occupied the smaller manse having failed to get the Court of Session to overturn Winram’s assignation of the main manse (which Chesholme was then occupying) to Thomas Drummond, the then minister of Findogask. 17 March 1563/4, SRO CS7/29, new fos 170r-171r.

<sup>225</sup> *RPC*, XIV, 109-110. The gang also sacked the manse of James Chesholme, “with hewing axis [and] foirhammeris”. *RPC*, XIV, 110-111.



The Privy Council punished the perpetrators, ordering Lord Oliphant to pay £30 compensation to Melrose and to allow the minister to gather thatch and stones from Oliphant's own land to repair the damaged manse.<sup>226</sup>

Lord Oliphant was not pleased with the minister of Findogask. But John Winram was. He had already 'promoted' Melrose from exhorter to minister at Findogask, and admitted him to the parsonage of Dupplin.<sup>227</sup> In 1572 Melrose was also given the vicarage pensionary of Findogask.<sup>228</sup> Nevertheless it is apparent that there was still local opposition to the minister and to his occupation of the now repaired manse and glebe. In an effort to resolve the matter Winram himself went to Findogask in June 1573.

Aware of the trouble over the previous decade Winram was careful both to be precise in his actions and to be seen to be precise. On Monday 15 June he had the parishioners (already gathered for his superintendent's visitation) elect four official representatives to witness the assignation of the manse and glebe to William Melrose. Together they:

passit to ye houssis now occupeit be William Melrose, minister of ye said kirk, and yair be hespe and staple gaiff hym possessioun of ye saidis houssis wyth stable byir and zardis [*in margin* - barne and zard] ... and in signe and takin heiroyf we inclusit ye said minister in ye cheiff housse forsaide....<sup>229</sup>

<sup>226</sup> James Chesholme's complaint was remitted to probation.

<sup>227</sup> Melrose was exhorter in April 1569, and minister in August 1571. *RSS*, 6/582; *RPC*, XIV, 109-110.

<sup>228</sup> *RSS*, 6/1707.

<sup>229</sup> 7 November 1573, SRO CH8/30. Such 'enclosure' ceremonies were observed for non-manse properties. For example when, following Winram's death in 1582, the regents of St Leonard's College took possession of the priory of St Serf's and Kirkness house. 15 October 1582, SRO NP1/35, fos 138v-139r, also in St A. Muniments SL110.H2.



This enclosure ceremony was elaborate.<sup>230</sup> It had to be to impress on those, such as Lord Oliphant, the validity of the assignation.

When Winram and his group of witnesses passed to the glebe to assign a section of it to Melrose they faced a problem.<sup>231</sup> Corn was growing on the glebe, preventing an accurate measurement of four acres for the minister. Not wishing to give Lord Oliphant any reason to challenge the day's proceedings Winram contented himself with symbolically, "be erd and stane",<sup>232</sup> giving possession of an unspecified four acres of the land to the minister.<sup>233</sup> He postponed the measuring and marching of the four acres until the corn had been harvested, reserving the task to either himself or his commissioner together with at least two of the then present witnesses. Six months later, following the harvest, Winram gave his commission to Alexander Young, minister of nearby Tibbermore, once again to gather the witnesses and measure the four acres "be rude and raip bowndyng, methyng and marchyng". A precise description of the bounds of the four acre glebe was recorded and submitted

<sup>230</sup> James Erskine's admission to the parsonage of Dun included possession of the manse, but the instructions issued by John Erskine of Dun for effecting the admission made no mention of any ceremony regarding the manse, *HMC*, 5th Report, 634. I am grateful to Dr Margaret Sanderson for drawing my attention to the peculiarities of Winram's practice.

<sup>231</sup> The glebe contained ten acres of land pertaining to the parson. Following clarification, in 1573, of the procedure for assigning glebes numerous requests were made to the district superintendents, commissioners or bishops to visit parishes and make formal assignations. Sanderson, 'Manse and Glebe', 89-92; *APS*, III, 73-4, "The explanatioun of the act maid anent mansis and glebis". The original act was made on 3 June 1563, *APS*, II, 539-540, "Anent mansis and glebis". The bounds of the glebes designated were recorded both in the superintendents' books and in separate charters issued to the incumbent. *Visitation of Dunblane*, 81; SRO CH8/30.

<sup>232</sup> Symbols used in the transference of landed property.

<sup>233</sup> The charge of erroneously measuring out a four acre glebe from land sown with corn was laid against James Boyd, Archbishop of Glasgow, at Kilmarnock: "the saidis landis war nocht nor culd nocht be mett be ressoun the cornis growand thairvpoun was rank that na man wald gang throw ye samin for distroying thirof". The archbishop having thus been prevented from accurately pacing out the glebe it was argued that "ye landis contenit in the said designatioun is bot gessit", SRO CS7/55, new fos 48v-49v. John Spottiswood also had problems assigning glebes. In Kirkliston, he was confronted by the feu of the land and a band of armed servants barring his progress. *RPC*, II, 313-314.

to Winram who in turn issued a formal, detailed, attestation of the involved procedure.<sup>234</sup>

## St Andrews

Winram also experienced conflict in St Andrews. When Thomas Wood was presented to the vicarage of St Andrews in March 1574/5 the instruction to examine and admit him, if qualified, to serve as a reader was sent to Winram who was overseeing the area because the archbishopric was vacant.<sup>235</sup> Despite Wood petitioning the superintendent to give written testimonial of his admission to the vicarage Winram constantly refused. The superintendent yielded only after Wood had complained to the Privy Council who found in his favour and directed Winram to complete the admission within 24 hours under pain of rebellion.<sup>236</sup> The

<sup>234</sup> SRO CH8/30. A further reference to Winram assigning a glebe was recorded during a 1588 visitation of Fowlis Wester. On that occasion the then visitor refrained from assigning four acres of land to the minister as it was alleged that Winram had already done so some years earlier. To clarify the matter instructions were issued "to get the extract off the foirsaid designatione furthe of the said superintendentis buikis, quhilk wald giff a gret lycht and furdur to that turne". *Visitation of Dunblane*, 81.

<sup>235</sup> RSS, 7/132. Archbishop John Douglas had died in July 1574 and Patrick Adamson was not presented to the archbishopric until October 1576. Thomas Wood is best known for compiling the metrical St Andrews' Psalter. Laing, 'An account of the Scottish Psalter'; *Scottish Psalmody*, 56-62; *Song, Dance and Poetry*, 23-25; *Musick Fyne*, chapter 13.

<sup>236</sup> 21 March 1575/6, *RPC*, II, 503-504. According to an act of parliament the Crown, as patron, should have appealed Winram's refusal to receive Wood firstly to the superintendent and ministers of the province (possibly meaning the synod?) and, if they too refused, to the General Assembly. *APS*, III, 23. Winram's reasons for refusing to admit Wood are not recorded. However, Wood petitioned the Privy Council that "he hes oft and diverse tymes requirit the said Superintendentis testimoniall of his admissioun ... in respect he wes and is fund abill for the said charge, being admittit Redar lang of befor" suggesting that he was seeking admission without submitting to a further examination. In March 1573 Winram was also held to be in error by the General Assembly for refusing to admit Robert Scott to the readership of Strathmiglo in Fife. *BUK*, I, 264.

superintendent complied, admitting Wood to the vicarage and giving him possession of the usual manse and glebe of the vicarage.<sup>237</sup>

Perhaps disgruntled at his earlier handling by the superintendent Wood petitioned Patrick Adamson, the new archbishop of St Andrews, to assign him another manse and glebe. Wood threatened to take his complaint to the Privy Council if the archbishop refused. However, Winram's earlier designation was competent and Adamson replied that he was unable to assign "any other manse and glebe than that which had been formerly designated by Mr John Wynram, superintendent of Fife".<sup>238</sup> The archbishop's assurance that he would assign another manse and glebe at some future date was not fulfilled, nor was the matter ever raised in Council.<sup>239</sup>

## Summary

Winram's awareness of the need to observe due legal process (and the security which that gave his actions) dominated his working practice in the field of admissions and assignations. He kept his own records, carefully recording the facts of examinations. If he conducted the subsequent possession ceremonies himself Winram employed witnesses to the acts and meticulously utilised formal practices. If he did not conduct the ceremonies himself he issued detailed letters for others to do

<sup>237</sup> The substantial manse lay to the west of the parish church and contained a "hall with many chalmeris, selleris, vnderwoltis with ane fair zaird contigne yairto". 30 July 1605, St A. Muniments, SL110.E2.11. It had pertained to the vicar of St Andrews since James Baldovj had served the parish before the Reformation. (Baldovj is known to have been vicar as early as January 1552/3, SRO B65/22/316.)

<sup>238</sup> 6 March 1576/7, NRA(S) 217, Box 1 no. 380. Original notorial instrument in Latin, quotation is taken from the calendar.

<sup>239</sup> It seems that Wood was not popular in St Andrews. In June 1576 he was forced to petition the Court of Session to order the citizens to pay him the teinds and rents due to him as vicar, outstanding since his initial presentation in March 1574/5. 2 June 1576, SRO CS7/55, new fos 104v-105r.

so in his name, ensuring his letters were properly signed and sealed, and that they gave clear instructions for the process to be undertaken.

The oversight of his district through the administration of discipline and the examination and admission of parish clergy were just some of a wide variety of functions within the reformed kirk which Winram, like his fellow superintendents, carried out. The importance of superintendents was such that the General Assembly acknowledged that it “could nocht lack thair Superintendantis and cheif ministeris, whose jugementis wer so necessarie”.<sup>240</sup> But this did not mean that they were free from accusations of failing in their duties. A cursory examination of the accusations made against John Winram at the General Assembly would paint the picture of an incompetent and much maligned figure. Such an examination is too simplistic, and such an interpretation is unwarranted.<sup>241</sup>

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<sup>240</sup> Knox, *Works*, II, 423.

<sup>241</sup> Far from being maligned by his contemporaries, Winram was fully utilised by the kirk. For example, he participated in the Kirk's dealings with the civil authority (*BUK*, I, 29, 138, 145, 181, 185, 185-186, 187, 200, 204, 208, 257, 271, 288-289, 290, 293, 295) and assisted in policy making decisions (*BUK*, I, 50, 185, 185-6, 187, 208, 238, 244, 247, 257, 322, 362). He was actively involved in matters of discipline (*BUK*, I, 18-19, 44, 79-80, 131, 261-262, 315, 317, 321, 323, 326, 341) and of arbitration (*BUK*, I, 35, 56, 147-148, 244, 314, 315). At times he was also called upon to deal with financial matters (*BUK*, I, 49, 161, 234, 263, 290). When deciding policy Winram was usually only one of a large group involved and it is not possible to associate any particular statement to him. Winram was never commissioned to visit in any areas other than his own. His absence in this role, together with that of John Carswell, superintendent of Argyll, is especially noticeable in December 1564 when a cross-visitation of areas was undertaken. See above, page 85. Winram was asked to fill the pulpits of some parish ministers who were sent out as commissioners - together with John Erskine of Dun, Winram was to supply the pulpit of John Row in Perth while he was visiting Kyle, Carrick and Cunningham. *BUK*, I, 73. That Winram was never chosen as Moderator of the Assembly is of no great significance. The role was never filled by John Knox, John Spottiswood or John Carswell. The sixteenth-century office of Moderator was concerned only with the efficient running of the Assembly meetings and did not carry the year-long prestige of the modern equivalent.

## Chapter 4

### The Problems of Superintendency

#### I

#### *General Assembly Examinations*

##### Procedure

The regular trial and examination of superintendents in front of the General Assembly was instigated in June 1562 as part of a comprehensive system of oversight of all ministers and elders.<sup>1</sup> The kirk had asserted that “the lyves of ministers aught to be sick as therby uthers may be provokit to godlines”.<sup>2</sup> The superintendents themselves had charged all ministers within their bounds to inform their parishioners that all superintendents, ministers and deacons “doe willingly subject themselves to discipline”.<sup>3</sup> By March 1569/70 the examination of superintendents and commissioners to plant kirks was fixed as the second order of business in all future Assemblies (the first being the prayer and exhortation by the retiring moderator and the election of the new).<sup>4</sup>

As the numbers subject to scrutiny increased the process of examination changed. Initially each of the superintendents and commissioners to plant kirks who were present was removed in turn from the Assembly.<sup>5</sup> In his absence the ministers

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<sup>1</sup> BUK, I, 14.

<sup>2</sup> BUK, I, 14.

<sup>3</sup> BUK, I, 14.

<sup>4</sup> BUK, I, 157.

<sup>5</sup> If the man in question was absent the examination would not take place. For example, in December 1562 John Spottiswood's examination was delayed until his arrival. BUK, I, 25-26. The lack of trials of John Carswell, superintendent of Argyll (other than his reproof in July 1569 for accepting the



and commissioners from his district were asked if they had any charge to lay against his life, doctrine or execution of his office.<sup>6</sup> The superintendent was then recalled and asked to respond to the accusations. If the charges were found valid an appropriate censure, often a verbal demand for remedy, was given. In 1565 the examination process was revised. The practice of verbally registering complaints after the removal of the individual on trial ceased. Instead, any person bringing a charge was required to present it in writing at the beginning of the Assembly.<sup>7</sup> The written complaints were compiled and then presented to the defendant as before.<sup>8</sup>

### Books of Visitation

The task of overseeing the overseers, the superintendents and the commissioners to plant kirks, continued to increase both as their numbers, and the numbers of parishes and incumbents under them, grew. In 1571 the Assembly introduced an additional layer of supervision involving its regular inspection of existing "Books of Visitation" or "Books of Diligence":<sup>9</sup>

The Kirk assemblit ordaines all Superintendents and Commissionars to plant kirks, to present heirafter their bookes of their visitatiouns, every ane within their province respective, to every Assemblie heirafter following, to be sichtit and considerit be sick brether as sall be appointed therto, fra Assemblie to

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Bishopric of the Isles without informing the Assembly, *BUK*, I, 144) reflects his lack of attendance at the Assembly, rather than the exemplary execution of his duties. In May 1564 he excused his absence from the General Assembly because he was visiting Kintyre and the Isles during the favourable weather. 29 May 1564, John Carswell to Robert Campbell of Kinzeancleuch, *Wodrow Misc.*, 285-286.

<sup>6</sup> *BUK*, I, 14, 25-26.

<sup>7</sup> *BUK*, I, 57.

<sup>8</sup> In light of the increasing numbers of personnel now subject to examination the time involved may have caused this modification.

<sup>9</sup> Although none of these early books of visitation is known to have survived they were probably similar to that which survives from a 1586-1589 visitation of Dunblane. *Visitation of Dunblane*.



Assemble; to the effect the Kirk may understand their diligence in executing their offices within their provinces.<sup>10</sup>

Following this ordinance each successive Assembly, often during its first session, appointed a committee of five to twelve men to examine each book in turn and to report back their findings to the Assembly.<sup>11</sup> Their scrutiny was thorough and took several days to complete, with committees meeting “from day to day, till the same be perfectly oversighted”.<sup>12</sup> Those appointed to examine the books were not permanent appointments, indeed the first three committees had a full change in membership. As the numbers of commissioners increased, and as the bounds of districts were altered accordingly, the ever changing committees struggled to keep abreast of the changes.<sup>13</sup> In an attempt to ensure order the August 1574 Assembly ruled that all bishops, superintendents and commissioners must include in the front of their books a list of the churches within their district.<sup>14</sup> Armed with the names of those parishes which should be visited the committee could more easily spot any omissions.<sup>15</sup>

A detailed examination of all Books of Visitation every six months furnished the Assembly with valuable information not only on its commissioners and superintendents, but also on each parish. However the exercise was time-consuming. Tying up a committee of as many as twelve men for several hours each day was a

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<sup>10</sup> *BUK*, I, 184.

<sup>11</sup> *BUK*, I, 198, 238, 244, 256-257, 271, 288, 300, 320, 337, 358. The reports were to be given in writing and on all but one occasion instructed to be made before the end of the sitting Assembly. *BUK*, I, 313. No findings of these examinations are recorded in the surviving minutes from the Assembly.

<sup>12</sup> *BUK*, I, 288. See too, *BUK*, I, 320.

<sup>13</sup> See below, pages 192-193.

<sup>14</sup> *BUK*, I, 308.

<sup>15</sup> The use of such lists of parishes within the Books suggests that it was expected that most, if not all, parishes were to be visited between each meeting of the Assembly, *i.e.* every six months.

heavy burden on an Assembly which itself often numbered less than one hundred.<sup>16</sup> By 1576 the number of commissioners to visit the districts had grown to twenty six.<sup>17</sup> The detailed six-monthly examination of each of their Books of Visitation, which had been faithfully carried out for the previous five years, could not be sustained. A means of releasing the Assembly of the burden, while safeguarding the positive contribution which the process provided, had to be found. In October 1576 the Assembly ruled:

Because of the multitude of the bookes of Commissioners quhilks are to be examinat in the General Assemblies, and large tyme spendit therin; besyd sick as are deput thereto knows not the proceedings of the saids Commissioners sa weill as thair Synodall Assemblies: Therfor, it is decreit and statute be the Kirk present, That the bookes of the Visitors and Commissioners be tryit and sein in there Synodall Assemblie, and reportit againe to ilk General Assemblie be the Commissioners, that the Kirk may consider thair diligence in thair offices.<sup>18</sup>

This marked the removal from the Assembly of the immediate examination of the Books of Visitation - but it retained control over other forms of trial, especially the personal examination of individual superintendents and commissioners.<sup>19</sup>

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<sup>16</sup> Because of the lack of complete sederunt lists for the Assembly it is difficult to assess the numbers of people attending. Detailed attendance lists for the Assemblies of December 1560, June 1562 and January 1571/2 give figures of 42, 37 and 63 respectively. A fragmentary source from the December 1563 Assembly, when combined with other information, gives a figure of 88. (Donaldson, *Scottish Church History*, ch 10). This had risen dramatically by August 1590 when the next available list shows the Assembly to have numbered 166. *BUK*, I, 3-4, 13, 203-204; *BUK*, II, 762-767.

<sup>17</sup> *BUK*, I, 358-359. See below, pages 192-193.

<sup>18</sup> *BUK*, I, 366.

<sup>19</sup> In 1572 extracts from the *First Book of Discipline*, detailing the superintendents' office, were to be issued to every minister of every province "that the Superintendents may be tryed thereby, and as that they are found negligent, to be continued or changed". *BUK*, I, 266. The regulations of the *First Book of Discipline* were to apply to superintendents, commissioners and bishops (re-introduced after the Convention of Leith) alike.

## John Spottiswood, John Erskine of Dun and John Winram

Information concerning the regular trials of superintendents and commissioners to visit kirks is very limited. The surviving minutes do not record these examinations in great detail: sometimes the accusations are recorded, on other occasions it is merely stated that the examinations took place. Occasionally brief details of the superintendents' responses are given.<sup>20</sup> John Winram's experience of trials can best be compared with the experiences of John Spottiswood, superintendent of Lothian, and John Erskine of Dun, superintendent of Angus and the Mearns.<sup>21</sup> (Appendix 5)

*John Spottiswood*

The charges which were brought against John Spottiswood during his trials are the most straightforward. Nine of the thirteen recorded charges cited him for slackness in visiting and/or preaching within his district (which stretched from Stirling to Berwick) or at his own parish of Calder.<sup>22</sup> These complaints seem to be

<sup>20</sup> Nor are there any details of the reports from deputy visitors sent out in 1564 to re-examine the ability and qualifications of every parish incumbent throughout the realm, and thereby the competence of those who had originally admitted them. *BUK*, I, 54, 57. See above, page 85.

<sup>21</sup> John Carswell, superintendent of Argyll, died in 1572. He rarely attended the Assembly, consequently he was rarely tried. John Willock, superintendent of the West, did survive Winram, dying in 1585, but he left Scotland for England in 1565, returning only briefly in 1568. Only two trials of Willock are recorded. In December 1563 he was accused of failing to extirpate idolatry in his diocese, and in June 1565 he was noted as having failed to complete his commission as a deputy visitor to the bounds of Lothian, Merse and Teviotdale. *BUK*, I, 39, 57, 54. Spottiswood died in 1585, and Erskine of Dun in 1590. Because of the different nature of the office, especially in the first decade after 1560, no comparisons with commissioners to visit kirks has been made.

<sup>22</sup> Appendix 5; *BUK*, I, 18, 26, 39, 42, 65, 135, 144, 300, 349, 464. From the wording of the complaints against Spottiswood, the commissioners of Lothian often understood to "visit" and to "preach" synonymously. Spottiswood had been presented to Calder in 1548. *Fasti*, I, 175-176. The other charges, each raised only once, were failing to ensure the repair of church buildings, *BUK*, I, 144; not prosecuting offenders with sufficient rigour, *BUK*, I, 135; installing the bishop of Ross without the Assembly's approval, *BUK*, I, 349; and being absent from the Assembly, *BUK*, I, 464. The Assembly minutes for December 1563 record that Spottiswood was tried, but give no outcome. A

founded on an unrealistic expectation of what a superintendent could achieve, rather than a true failing on Spottiswood's part. In the experience of the kirk of the Canongate between 1564 and 1567 Spottiswood visited virtually every six months to examine the life and doctrine of the minister, elders and deacons. The kirk session had decided in August 1564 to hold examinations before each communion.<sup>23</sup> Spottiswood attended four out of six of these examinations over the next three years.<sup>24</sup>

### *John Erskine of Dun*

The experience of John Erskine of Dun in his first few years as superintendent was more colourful than that of Spottiswood. It was Erskine of Dun's patronage and unsuitable appointments that were heavily criticised at his first trial in December 1562:

It wes laid to his charge, that there wer manie popishe preistis, unabill and of wicked life, admitted to reading at kirkis within his diocie. 2. That some zoung men wer rashlie admitted to the ministrie, and to be exhortaris, without such trial and examinatioun as ar required in the Book of Discipline. 3. That gentilmen of vitious lives wer chosen to be elderis in divers kirkis. 4. That sundrie ministeris under his jurisdiction remanit not at thair kirkis, visit not the seik in thair extremitie, and alsua that the zouth is not instructed. 5. That some ministeris come ouer lait to the kirkis wher they sould preach on the Lordis day, so that the peopill doe wearie staying upon thaim, and incontinent

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manuscript fragment from this Assembly records that "nane complemand upoun him", *BUK*, I, 39; Donaldson, *Scottish Church History*, 118.

<sup>23</sup> The examination would be profitable "for stoppin of sclanderour mouthis quhilkis movis oft tymes be raige of Sathan to bakbyte and sclander thois that beris office in the kirk of God". *The Kirk of the Canagait*, 5-6.

<sup>24</sup> 10 July 1565, 11 December 1565, 10 December [?January] 1566/7, 30 June 1567, *The Kirk of the Canagait*, 24-25, 32-33, 62, 70. At the pre-communion trial on 3 May 1566 the superintendent's absence was due to his attendance at the Assembly. His absence on 3 August 1566 was not explained. *The Kirk of the Canagait*, 42-43, 49-50. Spottiswood was also in attendance on 5 January 1565/6 in response to an Assembly instruction to try Marjorie Brison for murder, *The Kirk of the Canagait*, 36.

the sermon being ended, they depart. 6. That the ministeris resort not to the exercise, according to the order set down in the Book of Discipline.<sup>25</sup>

Despite this catalogue of accusations there is no record as to his guilt or innocence of the charges.<sup>26</sup>

Like Spottiswood, the superintendent of Angus was accused of slackness in visiting, but other charges were more varied. For instance, it was alleged that many of the churches under his supervision had no kirk sessions and did not exercise discipline within their parishes; that many of the choirs within the district were ruinous; that he had admitted an unqualified minister; and that as a retiring moderator of the Assembly he had failed in his duty to make exhortation at the first meeting of the new Assembly.<sup>27</sup> For some of these charges there are brief records of the superintendent's defence. For example, that within every parish he had appointed men to repair the choirs and even paid for some repairs himself; that the "unfit" minister had been tried, and thought suitable, by the brethren of Aberdeen; and that he was only following the advice of other Assembly members when he omitted the opening exhortation because the Assembly had just adjourned from a full service, with sermon, in the church.<sup>28</sup>

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<sup>25</sup> BUK, I, 25-26.

<sup>26</sup> See Bardgett, *Scotland Reformed*, 91-102, for a discussion of these complaints.

<sup>27</sup> BUK, I, 39, 314, 332, 256. For other trials see BUK, I, 52, 57, 65.

<sup>28</sup> That Erskine of Dun did perform his superintendent's duties is testified by the preamble to a 1587 grant under the privy seal of James VI which recounted "ye lang earnest and fructfull travellis tane and bestowit be our louit Johnne Erskyn of Dwn superintendent of Angus and Meanis in ye suppressing of superstitioun papistrie and idolatrie and avancement and propagatioun of the evangell of Jesus Christ ye tyme of ye refomatioun of ye religioun And in his ydent and faithfull perseverance in ye samin contennuallie sensyne to ye grit glorie of God and singular confort of all our subiectis within ye saidis boundis of Angus and Mearnis now flurischeing aboundantlie in ye preiching of ye trew word of God and rycht administratioun of ye sacramentis be ye grace of God and industrie of ye said Laird of Dwn and yairwithall remembring his guid trew and thankfull service done and to be done be ye said Johnne Erskyn of Dunn...." 1 November 1587, SRO GD123/94, extracts printed in *HMC*, 5th Report, 640-641.



For one charge raised in 1573 Erskine of Dun's detailed reply is given. The minutes of the General Assembly have no record of the accusation against the superintendent that he had deliberately destroyed the parish church of Inchbrayock, near Montrose, instead there exists the letter of rebuttal which Erskine of Dun sent to the Assembly:

Hearing that in my absence a complaint was given upon mee, alledging that I had destroyd or caused destroy the church of Inchbrayak, and to have joyned that parishon to the Church of Maritoun: I have thought good to declare unto your Wisdomes my part in that cause: I never did destroy a parish-church, bot would had the reparation of all; As to that church of Inchbrayak, I in my visitation finding it spoiled, and broken down did request the parishoners ther of, to resort to the church of Maritoun, being neare unto them, untill their own church were bigged and repaired: to which they did consent, not to continou ever so, but for a time, untill their own church were bigged: the which I wish to be done shortly; and what in mee lyeth to further the same, shall not be ommitted; This is the treuth of that matter: And if it be found otherwise, I shall build the church on my own expences; If your Wisdomes think any fault here-in, I am subdued, and shall obey your godly judgement.<sup>29</sup>

The members of the Assembly found no fault in the superintendent's actions. John Grey, clerk to the Assembly, endorsed the letter:

Edinburgh, August 10, 1573. The Church presently assembled findeth no fault in the premises done by the Superintendant, but all his proceedings there in worthy of praise.

### **John Winram**

A simple tabulation of recorded charges concerning Spottiswood, Erskine of Dun and Winram reveals that in the years to the end of 1582 there were more accusations against the superintendent of Fife than the other superintendents, and the

<sup>29</sup> Petrie, *A compendious history*, section 2, 381. Reprinted, with minor alterations, in Wodrow, *Collections*, I, 60-61. I am grateful to Christine Gascoigne for her help in tracing Petrie's book.



charges against him were often more specific. (Appendix 5) However, it would be wrong to conclude that Winram was considered an unfit superintendent.<sup>30</sup>

### Slackness in Visitations

Many of the charges against Winram were common to others. His slackness in visiting was frequently noted yet like Spottiswood it is probable that these complaints represent a perceived, rather than an actual, lack of visitation.<sup>31</sup> The meticulous six-monthly examination of Winram's Book of Visitation would have quickly revealed any gross negligence on his part. The most detailed accusation of poor visitation against him came in 1572 when he was charged that he had not visited Crail "thir three years bygone" nor had he visited Strathearn, Menteith or Breadalbane "the year bygone".<sup>32</sup> The charge concerning Crail was almost certainly malicious and refuted immediately by consulting Winram's Book of Visitation.<sup>33</sup> Nothing further was noted concerning the other areas, leaving it unclear whether these charges were proven or not.<sup>34</sup> However, that he was accused of not visiting these far-flung areas of his district within the previous year reveals that a twelve month gap (real or imaginary) was thought sufficiently unusual to be worthy of

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<sup>30</sup> Or worse still to conclude that "he had become a problem for the kirk and ... a liability". Yellowlees, 'Dunkeld and the Reformation', 78.

<sup>31</sup> *BUK*, I, 25, 53, 65, 112, 123, 144, 237.

<sup>32</sup> *BUK*, I, 237.

<sup>33</sup> The complaint was made by the minister Thomas Kinneir who was himself falling foul of the church authorities at this time - see below, pages 177-179.

<sup>34</sup> Yellowlees is wrong in asserting that "Winram had not visited Strathearn, Menteith or Breadalbane for over a year and even Crail, in Fife, had not seen him for three". Yellowlees, 'Dunkeld and the Reformation', 77.

comment.<sup>35</sup> The expectation in the parishes was still that a visitation should take place at least annually, in accordance with the *First Book of Discipline*.<sup>36</sup> The evidence is even consistent with an expectation that visits should be made every six months, coinciding with the inspection of the Books of Visitation.<sup>37</sup> One man overseeing a district of 100 parishes could never meet such high expectations and the Assembly's gentle admonishments, if any, probably reflect its acknowledgement of this fact.

### Preaching and Repair of Kirks

Like his colleagues, Winram was accused of not preaching during his visitations and failing to secure the repair of parish kirks.<sup>38</sup> The *First Book of Discipline* had stipulated that a superintendent was to preach at least three times in the week. However it was helpful if during a visit the incumbent occupied the pulpit because the superintendent could then listen to the minister and so monitor his ability and doctrinal conformity. (The superintendent would get his turn to address the parishioners when he intimated the most recent ordinances of the General Assembly and quizzed them on their minister's oversight.)<sup>39</sup> The Assembly quickly recognised the weakness of the *First Book of Discipline*'s policy and in December 1563 resolved that:

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<sup>35</sup> It is also of note that John Erskine of Dun felt it necessary to apologise for having lapsed into a two months absence from visiting in 1565. *BUK*, I, 65.

<sup>36</sup> *FBD*, 121-123. See above pages 62-64.

<sup>37</sup> And Spottiswood's practice at the Canongate. In 1563 Winram demonstrated just such an up-to-date knowledge of one parish when he complained to the Assembly that George Leslie, minister at Strathmiglo and Auchtermuchty, had not administered the sacraments for six months. *BUK*, I, 36.

<sup>38</sup> *BUK*, I, 39, 112, 144, 175.

<sup>39</sup> StA MS 30451, fo 5v item 7. See above, pages 119-120.

The question, whether superintendents ought to preach in all the kirks where they did visite, was reserved to be discussed at the end of the Assemblie.<sup>40</sup>

The outcome of the discussion is not preserved, however, after the earlier rush of such charges only one comparable charge, of not “teaching in kirks subject to his charge”, was made after the debate.<sup>41</sup> It would seem that the Assembly conceded that the superintendents need not (because they could not?) preach in every church they visited.

From the earliest days of his superintendency, Winram took on the task of getting churches repaired. Within weeks of his appointment he had visited the kirk of Ballingary, near Lochleven. At the end of his visit he issued an Act detailing, amongst other things, the repairs necessary to the church. On 2 July he personally returned to see if the repairs had been carried out “conform to the Act of his vesitacion and Book of Reformacione” but the incumbent, Alexander Wardlaw, refused to carry out the repairs.<sup>42</sup> When a group of eminent parishioners gathered to persuade their minister to obey the superintendent’s commands Wardlaw uttered the memorable words that he would not accept “ony admonision or command of that fals, dissaitfull, gredy and dissimblit smayk”.<sup>43</sup>

Elsewhere, Winram had difficulties in securing the repair of church buildings, though he did not usually encounter such determined disobedience. In 1563 all superintendents had been given specific responsibility for initiating and monitoring

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<sup>40</sup> *BUK*, I, 39.

<sup>41</sup> Charge made against John Winram in December 1567, when he had all but ceased his activities as superintendent. *BUK*, I, 112. See below, pages 181-182.

<sup>42</sup> *RStAKS*, I, 82-89 at 85; *FBD*, 202-203.

<sup>43</sup> *RStAKS*, I, 86.

repairs.<sup>44</sup> Responding to complaints that they were failing in this duty Winram said that, for his part, "he could gett no officer of armes to putt in execution letters against parochiners, where the said kirks were ruinous". Indeed, the Assembly tacitly acknowledged that the fault did not lie with the superintendents by instructing that superintendents should charge their district collectors to execute the necessary letters.<sup>45</sup>

#### Accusations by John Rutherford

The charges against Winram - of slack visiting, failing to preach and failing to get churches repaired - are of no special significance. These kinds of charge were laid against other superintendents and stemmed from a combination of unrealistic expectations, unforeseen conflicts between the theory and practice of superintendency, and difficulties outwith the immediate control of the superintendents rather than from the failings of individuals, facts seemingly acknowledged by the Assembly. But not all charges against Winram can be so lightly dismissed. Winram was successfully challenged on his admissions to the church of Kilmany in Fife, and the provostry of St John and St Olave within St Salvator's College - both of which were under St Salvator's patronage. Moreover, both of the challenges against Winram were made by the college principal, John Rutherford.<sup>46</sup>

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<sup>44</sup> See above, pages 94-95.

<sup>45</sup> *BUK*, I, 175.

<sup>46</sup> Winram was also successfully challenged by Robert Scott for not issuing testimonials of his admission as reader at Strathmiglo. *BUK*, I, 264. See too the case of Thomas Wood in St Andrews, see above, pages 160-161.

Initially it was Winram himself who complained to the Assembly about the lack of a preacher at Kilmany in 1565.<sup>47</sup> Five years later the church still lacked a preacher and, following a complaint by the parishioners, the Assembly ordered that suitably qualified members of the college should serve the cure until further resolution was made.<sup>48</sup> Such a resolution was forthcoming in September 1571 when the Crown assumed the patronage, because of the forfeiture of the previous incumbent, and presented Mr James Forsyth to the vicarage.<sup>49</sup> This presentation was unusual in that the Crown instructed Winram to receive and admit Forsyth, but omitted instruction to examine him.<sup>50</sup> This failure to examine may have been the basis of John Rutherford's complaint, six months later, that Winram had given the vicarage "to one that is no Minister, nor hath any function within the Kirk".<sup>51</sup> The Assembly's inspection of the foundation documents pertaining to St Salvator's College revealed that Winram had been in error in admitting Forsyth as the patronage and collation rights of Kilmany belonged to the College.<sup>52</sup>

In March 1571/2, at the same time Rutherford was pursuing his complaint over Kilmany, he also accused the superintendent of wrongly obtaining and giving

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<sup>47</sup> *BUK*, I, 62-63. That the complaint was raised at the Assembly and not dealt with directly by Winram, or within his synod, indicates some underlying problem over the appointment, as does the fact that the Assembly appointed a high powered committee (William Ramsay, one of the ministers of the college, John Erskine of Dun, Christopher Goodman, minister of St Andrews and George Buchanan together with John Rutherford and John Winram) to decide the matter.

<sup>48</sup> *BUK*, I, 160.

<sup>49</sup> Described as "his majesteis ... lovitt, Mr James Forsyth, clerk". *RSS*, 6/1290.

<sup>50</sup> *RSS*, 6/1290.

<sup>51</sup> *BUK*, I, 237.

<sup>52</sup> *BUK*, I, 239-240. The Assembly referred the matter to the senators of the College of Justice. No reference to this case has been uncovered. In December 1579 Mr Robert Hindshaw was presented to Kilmany following an orthodox examination by Patrick Adamson, archbishop of St Andrews. *RSS*, 7/2121.

the gift of the altarage of St John and St Olave, when the gift belonged to himself, as provost of St Salvator's College.<sup>53</sup> Some fifteen months earlier, in December 1570, Winram, under the auspices of the 1566 act of Privy Council allowing superintendents to admit suitably qualified men to benefices under 300 merks,<sup>54</sup> had procured letters of presentation and had admitted his cousin, Mr Robert Wilkie, regent of St Leonard's College, to the chaplainry.<sup>55</sup> But Rutherford had given the chaplainry to James Fiddes, a student of St Salvator's College to enable him to buy clothing and books.<sup>56</sup> Winram blocked this move by securing letters from the Lords of Session debarring Fiddes from collecting the rents and duties of the chaplainry.<sup>57</sup> A claim and counter claim raised by Fiddes and Wilkie before the Court of Session in March 1570/1 was not pursued.<sup>58</sup> With the situation remaining unresolved Rutherford brought the matter back to the Privy Council in March 1571/2.<sup>59</sup> Over the following year Winram failed to appear to answer the complaint and in March 1572/3 the Council finally ruled in favour of Rutherford and Fiddes, debarring Winram or his cousin from intromitting with the chaplainry.<sup>60</sup>

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<sup>53</sup> *BUK*, I, 239-240.

<sup>54</sup> *RPC*, I, 487-488.

<sup>55</sup> *RSS*, 6/1032; *RPC*, II, 208-209.

<sup>56</sup> *RPC*, II, 208-209.

<sup>57</sup> "to the greit hurt and prejudice of the rycht and privilege of the said college, and him [Rutherford], Provost thair of". *RPC*, II, 208-209.

<sup>58</sup> 6 March 1570/1, SRO CS7/48, new fo 30v. It is not known why the case was not pursued before the Court of Session.

<sup>59</sup> *RPC*, I, 238-240.

<sup>60</sup> An appeal by Wilkie against this decision was unsuccessful. *RPC*, II, 238-240.



Behind Rutherford's justified complaints against Winram was a personal animosity, the root of which is not known.<sup>61</sup> Rutherford's dislike of the superintendent was most apparent in 1570 when he tried to have Winram censured for papistry in accepting the office of *oeconomus* of the priory following the assassination of Lord James Stewart. In July 1570, the question:

Wither it be papistry, when any man profest in ane abbay, shall be chosen ministrator, or oeconomus, be suffrages of these that have been profest in ane abbay, which professione is papistry, and be that election brooke the title

while not naming an offender was referring to Winram, who had been elected *oeconomus* of St Andrews the previous April.<sup>62</sup> On this occasion Rutherford was not successful in his pursuit against Winram and the Assembly ruled that "howsoever the professione was papistrie before, yet the ministratiōne of the temporal fruicts is a part of the policie, and no wise papistry".<sup>63</sup>

#### Accusations by Thomas Kinneir

Dislike of Winram was also expressed in complaints from Thomas Kinneir, minister of Crail. In March 1571/2 Kinneir protested to the Assembly:

That his kirk had not been visited thir three years bygone, and that at this last visitation there he [John Winram] used not due order, in so far as he consulted not with the Ministers and Elders touching things to be reformed.<sup>64</sup>

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<sup>61</sup> Rutherford was noted for bitter jealousy. James Melville described him as "a man learnit in philosophie, bot invyus corrupt". Melvill, *Diary*, 21.

<sup>62</sup> *BUK*, I, 179-180. See below, pages 203-205.

<sup>63</sup> *BUK*, I, 179-180. Unhappy with this answer, Rutherford "protested, in so far as the answers to thir questions is not sufficient, that he may have remeed at the nixt Assembly, or otherwise". The matter does not appear to have been raised further.

<sup>64</sup> *BUK*, I, 237.

This complaint was immediately rebuffed by Winram who simply “referred to the book of visitation”.<sup>65</sup>

Winram and Kinneir’s disagreement arose the previous year when, in January 1570/1, Kinneir was presented to the prebend of St Nicholas within the collegiate church of Crail. Winram was required simply to receive him without examination because the minister was “alreddy tryit and examinat in lyf and doctrine and fund qulaifiit thairin”.<sup>66</sup> But there was a delay of almost two years before Kinneir was admitted to the prebend in November 1572.<sup>67</sup>

The assumption that doubts by Winram over the minister’s competence and abilities had caused the delay and sparked the conflict between the two men is supported by the Kinneir’s fate. Although Kinneir was eventually admitted to the prebendary, within four months he had stopped making his public prayers and exhortation in the parish church each Wednesday and Friday.<sup>68</sup> His failings continued. In December 1575, subject to his successful examination by John Winram,<sup>69</sup> Kinneir was presented to the provostry of Crail.<sup>70</sup> Winram did not consider him sufficiently qualified and four months later the provostry was reassigned to another.<sup>71</sup>

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<sup>65</sup> Kinneir was also in disagreement with Mr Robert Winram, Collector of Fife [John Winram’s cousin], who had failed to pay him his third for over a year. SRO CS7/71, new fos 33r-34r.

<sup>66</sup> RSS, 6/1088.

<sup>67</sup> 2 July 1577, SRO B10/8/6, no pagination.

<sup>68</sup> 2 July 1577, SRO B10/8/6, no pagination.

<sup>69</sup> Superintendent of Fife during the vacancy of the archbishopric.

<sup>70</sup> RSS, 7/370.

<sup>71</sup> RSS, 7/551.

By 1577 the list of Kinneir's shortcomings had expanded to include "susptions of adulterie ... drunkennes, tuilzesomenes, selling of the sacraments".<sup>72</sup> These charges, brought before the General Assembly by commissioners from Fife, were proven and Kinneir was deprived from his ministry and excommunicated.<sup>73</sup> Crail burgh council subsequently banned him from entering the house of his mistress, Agnes Guidland, wife of one of the local burgesses.<sup>74</sup> Kinneir did not submit quietly and was subject to the burgh's attention for, amongst other things, fighting with those who had raised the accusations and withholding evidents pertaining to his benefice.<sup>75</sup> Kinneir continued in his adulterous affair. Caught in his mistress' house, he was held to be "ane seditious, licentious and ane persoun subiect to all maner off desoluit lewyng" and in January 1579/80 was banished from the burgh.<sup>76</sup>

#### Commissioners of Fife

There can be little doubt that personal animosity was a factor in some of the accusations levied against Winram. It is possible that personal grievances also lay behind the practice, peculiar to the commissioners of Fife, of co-ordinating their complaints and requesting special diets to raise further accusations against their superintendent. The first recorded series of accusations against Winram, made in December 1562, reads like a list hastily drawn up by a disgruntled group of commissioners:

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<sup>72</sup> BUK, I, 396.

<sup>73</sup> BUK, I, 397.

<sup>74</sup> 15 November 1577, SRO B10/8/6, no pagination.

<sup>75</sup> 16 November 1577, SRO B10/8/6, no pagination.

<sup>76</sup> 11 January 1579/80, SRO B10/8/6, no pagination.

It wes murmurit be sindrie ministeris, that he wes somewhat slack in his visitatiounis, and remanit not at the kirkis for ordering such thingis as wer necessar for the same; that he wes too much gevin to wordlie affairis, slack in preaching, rash in excommunicatioun, sharper nor became him in making acts for payment of small tithes.<sup>77</sup>

At the following Assembly the commissioners of Fife successfully petitioned for a one day delay of Winram's trial, perhaps, again, to allow them to confer before jointly presenting a list of complaints.<sup>78</sup>

In December 1563 the commissioners of Fife were still disorganised and unwilling to make an individual stance against the superintendent. Having complained about Winram's lack of preaching the commissioners seemed to lose their nerve and asked for an additional diet when they could once more jointly give in a complaint.<sup>79</sup> After a delay of five days the commissioners had compiled and submitted a written list of their "diverse complaints" against the superintendent.<sup>80</sup> Winram responded by challenging the appropriateness of the charges: "some of these things layed to his charge lay not in his power to amend".<sup>81</sup>

The commissioners of Fife demanded exacting standards which John Winram failed to meet. The Assembly recognised the particular enthusiasm of the commissioners of Fife to pursue their superintendent. The complainers were "commended for there zeale in delating things worthie of redress".<sup>82</sup> However, the

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<sup>77</sup> BUK, I, 25. There is no record of the outcome of these accusations.

<sup>78</sup> BUK, I, 31. Their need to confer may indicate some disunity over the merits of their complaints. At this time all accusations were to be raised from the floor of the Assembly, in the absence of the superintendent - a process which did not require periods of consultation and collaboration amongst pursuants. See above, pages 163-164.

<sup>79</sup> BUK, I, 39.

<sup>80</sup> BUK, I, 43.

<sup>81</sup> BUK, I, 43.

<sup>82</sup> BUK, I, 43. It is possible that Christopher Goodman, minister of St Andrews, was the main motivator behind this drive for excellence. I am grateful to Dr Jane Dawson for this observation.

build-up of delayed trials and special diets to gather complaints over the previous two Assemblies had resulted in admonishment, but not condemnation of the superintendent. The Assembly saw that part of the problem in Fife lay with the unrealistic expectation of the commissioners.

In the years immediately after 1563 Winram's trials followed the standard procedure. But by December 1567 the commissioners of Fife had good grounds to petition for a special trial of their superintendent. The minutes of Winram's superintendent's court, and of the kirk session of St Andrews, show that these courts had been inactive since the February 1565/6 (and would not resume until February 1567/8).<sup>83</sup> In the early 1560s Winram had been accused of "slackness" in his duties. Now he was accused "not visiting kirks, nor teaching in kirks subject to his charge, nor taking up crymes and offenses to be punished".<sup>84</sup> The commissioners of Fife were accusing their superintendent of complete inactivity.

No immediate response to these charges, either by Winram or by the Assembly, is recorded. However, the matter was so serious that the next day the Assembly made the following ruling:

Mr John Craig, David Lindsay, George Buchanan Principall of Sanct Leonards Colledge, and Mr George Hay, or any two of them, were appointed to direct their edicts to all minsteris, elders, and deacons of kirks, under the Superintendent of Fife his charge, to compear at Couper the 22d day of Januar, with their complaints against the said superintendent, to try and report to the nixt Assemblie.<sup>85</sup>

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<sup>83</sup> See above, pages 122-123.

<sup>84</sup> *BUK*, I, 112.

<sup>85</sup> *BUK*, I, 113.

When the Assembly next met, in July 1568, the report from the Cupar trial was revised before its submission to the full Assembly. The final report about Winram stated that:

He was accused of negligence in his visitations; that he was careless in punishing adulterers; that he retained ane called Flecher, a reader in the kirk of Lewchars, whom Mr Knox had found unable ... It was alleged be the laird of Tarbett, that, when he was visiting the kirk of Skeenie, Mr William Blackwood desired him to declare of his conscience, whither the messe was idolatry, when he alleged that tithes should be paid to none but such as have recanted the messe, the said superintendent in audience of the whole people, bad the said Mr William take it on his conscience.<sup>86</sup>

Regarding the reader at Leuchars Winram denied any knowledge of Knox's pronouncement. As for his condoning the Mass, Winram repeated his condemnation of it and claimed that his words had been twisted: "it is long since I thought the messe idolatry, but I said ye most condemn it in your own conscience".<sup>87</sup> No other defence by Winram or response by the Assembly is recorded.

Clearly the effects of the Cupar trial were immediate. Within two weeks the courts in St Andrews had resumed. The first action by the superintendent's court was to affirm Winram's position as superintendent of Fife. The original edict narrating his election as superintendent in April 1561 was recorded in full in the minutes.<sup>88</sup> This reaffirmation of Winram's superintendency indicates that any failings over the previous years were not thought serious enough to merit his dismissal. The General Assembly and Winram's own court had expressed confidence in him.

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<sup>86</sup> *BUK*, I, 123.

<sup>87</sup> It is possible that Winram's stance in 1564 against removing by force the Mass from Mary, Queen of Scots, had tainted him with the charge of condoning its continued practice. Knox, *Works*, II, 425-461 at 455-456. See below, pages 248-251.

<sup>88</sup> *RStAKS*, I, 72-75. This was the only occasion that Winram's edict of admission was recorded in the court's minutes. That day the session also re-ratified a 1561 act concerning attendance at the session meetings.



Assessing the accusations levied against the superintendents shows that simple comparisons are not helpful. John Winram certainly had many more complaints recorded against him than did other superintendents. Some complaints were inappropriate or unproven, some were downright malicious. Others were the common complaints raised against fellow superintendents. Still others proved justified, although those made by John Rutherford and Thomas Kinneir, for instance, seem to have been the product of personal animosity. John Winram may not have been the perfect superintendent but he discharged his duties competently against a background of religious and political upheaval and uncertainty. The greatest testament to this is the fact that the Assembly kept him in office. Despite his trials and his repeated failings the General Assembly was satisfied that in difficult circumstances Winram was doing a satisfactory job.

## II

*Difficulties of the Office*

John Winram was aware of his own limitations as superintendent. As early as 1564 he cited his great age and the great number of churches within his bounds as excuses for his shortcomings.<sup>89</sup> Winram was the oldest of the five superintendents but no allowance was made for this in his first period of office (to 1572).<sup>90</sup> There is no record of his being granted assistance to carry out his extensive duties. A one-year commission given to Thomas Drummond and John Duncanson in 1563 to visit and plant kirks in Menteith was rendered up after six months and not renewed.<sup>91</sup> In any case, this temporary commission did not offer any relief to Winram because Menteith was not part of his original assigned district.<sup>92</sup> On the contrary, the rendering of the commission paved the way for the incorporation of this additional area into Winram's existing district.

By contrast, when appointed archbishop of St Andrews in 1572 John Douglas requested and received assistance. His district, which covered the entire archbishopric, was larger and extended over areas previously served by Winram, Spottiswood and Erskine of Dun. These three superintendents had, in effect, overseen the bishopric - and more - by themselves. Yet the new archbishop requested not only the continued assistance of Spottiswood and Erskine of Dun, but also that of three

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<sup>89</sup> *BUK*, I, 53.

<sup>90</sup> John Erskine of Dun b.1509; John Spottiswood b.1510; John Willock b.c.1516; John Carswell b.c.1520. *DSCHT*, 301, 788-789; Hewit, *Makers*, 130; *Foirm*, lxxviii.

<sup>91</sup> *BUK*, I, 35, 40. Thomas Drummond was minister at Creich, John Duncanson, a canon of St Andrews' priory, was minister at Stirling.

<sup>92</sup> *RStAKS*, I, 72-75, where Winram was admitted as the superintendent of Fife, Fotherick and Strathearn.

others.<sup>93</sup> Such assistance did not prevent the archbishop from being heavily censured at each Assembly thereafter for, amongst many other things, failing to visit in his district.<sup>94</sup>

## Finance

John Winram also cited the "evill payment" of his stipend as a contributing factor to his difficulties in serving his district.<sup>95</sup> The financing of church personnel was a perennial problem. The *First Book of Discipline* had assigned superintendents a greater stipend than parish ministers in recognition of the travel costs incurred by the superintendents.<sup>96</sup> But in common with the parish ministers, superintendents suffered considerable financial hardship due to the irregular payment of their stipends. In 1564 John Carswell complained:

this standis the mater in this cuntrie; gif we craif our stipendis, and remitt tham nocht at thair plesouris, than our preching is on profitable; and gif we remitt tham, than the travel can nocht be sustenit, for falt of sustentatioun of

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<sup>93</sup> BUK, I, 243-244. The appointment of Douglas, and his associates, has been used by Yellowlees to argue that the Assembly "completely excluded him [Winram] from St Andrews", Yellowlees, 'Dunkeld and the Reformation', 77-78. Moreover, that Douglas had not requested the assistance of Winram to oversee his extensive bounds is seen to imply a criticism of his abilities. However, in ordaining Winram to "vse his awin Jurisdiction as of befor in the provinces not zet subiect to the Archbischoprick of Sanct Androes" (BUK, I, 242) the Assembly were doing no more than acceding to Winram's own request the previous day when he had "dimitted the office of Superintendencie which he had within the Diocese of Sanct Andrews in the Assemblies hands". BUK, I, 239. A similar restriction in jurisdiction was placed on the superintendents of Lothian and Angus. Moreover, the Assembly, far from completely excluding Winram from the diocese, requested him "to concurre with the said Archbischope, quhen he requyres him in his visitatioun, or vtherwayes within his bounds". BUK, I, 242. Although the superintendents of Lothian and Angus were assigned to assist further the archbishop, within six months they both petitioned the Assembly to release them from serving what was by rights the archbishop's district. BUK, I, 264.

<sup>94</sup> BUK, I, 255, 269-270, 286-287.

<sup>95</sup> BUK, I, 53.

<sup>96</sup> FBD, 108-110, 115.

the travellaris; and of sum our travel nocht the better allowit, altho we became beggaris.<sup>97</sup>

John Erskine of Dun suffered similar financial hardship. In c.1587-88 he was threatened with the removal of a pension. In pleading for its retention Erskine of Dun remarked that the money was used in its entirety to sustain his activities as superintendent: "this pensioune that I haif nowe ... I haif spendit yeirlie in the causs of the Kirk".<sup>98</sup> Similarly, John Spottiswood financed many of his expenses as superintendent from his own means. In 1569 he defended his slackness in visitation making the non-payment of his stipend for the previous three years his excuse.<sup>99</sup> He received some payment over the following two years but by 1571 payments ceased again. By 1574 Spottiswood was reminding the Assembly that he had overseen and visited the kirks from Stirling to Berwick for 14 years without the adequate payment of his stipend. If the full sum owing could not be paid he was willing to accept yearly instalments. While agreeing that such a request was "reasonable", the Assembly could offer little more than a promise to petition the Regent for the money.<sup>100</sup> That year the Assembly exonerated Spottiswood for failing to visit his entire district "seeing his visitation was free, and upon his own charges".<sup>101</sup> By 1580 the superintendent of Lothian had been serving his district "upon his own expenses" for nine years.<sup>102</sup>

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<sup>97</sup> 29 May 1564, John Carswell to Robert Campbell of Kinzeancleuch, in *Wodrow Misc.*, 285-286.

<sup>98</sup> c.1587-88, John Erskine of Dun to King James VI. *HMC*, 5th Report, 636.

<sup>99</sup> *BUK*, I, 135.

<sup>100</sup> *BUK*, I, 296-297.

<sup>101</sup> *BUK*, I, 300.

<sup>102</sup> *BUK*, I, 464.

Winram too suffered financial hardship in the execution of his office. His difficulties seem to have been most acute following archbishop John Douglas' death in July 1574.<sup>103</sup> In March 1574/5 the Assembly extended Winram's superintendentship to cover the bounds of Fife and Strathearn, excluding those served by the bishop of Dunblane.<sup>104</sup> In "using of ye office of superintendence the tyme of ye seat vacand" Winram ran up "grytt and exhorbitant expenssis".<sup>105</sup> To meet some of these expenses he borrowed. Those from whom he borrowed included a trio of female friends and relatives:- 500 merks from his niece-in-law Janet Carmichael; 150 merks from his niece, Christine Spens; and 150 merks from Elizabeth Cairnes, the wife of his servitor, Alexander Glen. Winram also tried to meet his expenses by calling in personal debts owing to him, especially those owed by William Douglas of Lochleven.

In 1576 Douglas had made a bond with Winram regularising their business relationship over Kirkness. Douglas agreed to pay the superintendent £60 each year in rent, and began to repay those rents still outstanding.<sup>106</sup> Over the next eight years Douglas made regular payments but remained some three years in arrears.<sup>107</sup> Winram had been content with the situation but in May 1575 and February 1575/6 his increased expenses from serving his extended superintendent's district forced him to

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<sup>103</sup> Perhaps mindful of his previous censure by the Assembly for lack of preaching, especially in St Andrews, Douglas was engaged in preaching only a week before the Assembly when he dropped dead in the pulpit. *BUK*, I, 255, 269-270, 286-287; Hewit, *Makers*, 338-339.

<sup>104</sup> *BUK*, I, 318. That Douglas had died only days before the August 1574 Assembly probably explains the delay in reassigning his diocese.

<sup>105</sup> SRO NP1/35, fos 40v-41r.

<sup>106</sup> 2 April 1576, SRO GD150/1759a, b.

<sup>107</sup> Receipts for this period, from Winram to William Douglas, can be found in SRO GD150/1846; SRO GD150/2191.

pursue William Douglas in the Commissary Court of St Andrews for over £200 owing to him.<sup>108</sup> By April 1576 Winram was still owed over £200 by William Douglas.<sup>109</sup> Winram had borrowed heavily to meet his expenses over the long and severe winter. He pleaded with Douglas to:

send me wyth this beirar alsmekle of the saidis sovme as ze may presentlie forbeir because the frist hes bene lang and I am growne grettlie in vtheris men dett.<sup>110</sup>

Douglas responded by sending some £140 over the following fifteen months. This helped Winram in the short term, but the underlying cause of his poverty, the unpaid expenses of his superintendency, had yet to be resolved.

When Patrick Adamson was promoted to the archbishopric in 1576 he took over the superintendency of that area from Winram.<sup>111</sup> As soon as Adamson entered office Winram made representation to him for recompense and a sum of 1000 merks was agreed upon. Yet Winram continued to be short of cash. In July 1577 he wrote to William Douglas of Lochleven demanding the repayment of ransom money paid to William's father in 1544 for the release of Lord James Stewart.<sup>112</sup> This money does not seem to have been paid and in September 1577 Winram could not satisfy his

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<sup>108</sup> 24 May 1575, SRO GD150/1009G; 7 June 1576, SRO GD150/2186, referring to court summons of 24 February 1575/6. No reference to this case has been found in the records of the Commissary Court.

<sup>109</sup> Although some money had been paid the level of debt remained the same because of the ongoing rent.

<sup>110</sup> 14 April 1576, SRO GD150/3439/8. At this time Winram was also forced to pursue some of the tenants of Kirkness in the Commissary Court to pay him their teind dues. 12 May 1576; 21 July 1576; 25 August 1576, SRO CC20/1/2, fos 14r, 75r, 115v.

<sup>111</sup> Adamson's presentment was opposed by the October 1576 General Assembly on the grounds that it had not examined him for the post. (*BUK*, I, 367). By the time of the next Assembly the appointment had been completed, much to the annoyance of the Assembly. Not only had Adamson entered the office in direct contravention of the previous Assembly's instructions, but he had also "usurpit the office of Visitatioun within the bounds of Fyfe" *BUK*, I, 385.

<sup>112</sup> 12 July 1577, SRO RH9/2/274. See above, pages 18-20.



female creditors (who were now pursuing him for repayments).<sup>113</sup> To meet the demands of his creditors Winram assigned to each an appropriate portion of the archbishop's outstanding debt, leaving to them the difficult task of pursuing the archbishop "befoir quhatsumevir juge competent within yis realme" for the money.<sup>114</sup>

## Resignations

There can be no doubt that the job of a superintendent was onerous.<sup>115</sup> Every superintendent except Carswell tried to resign.<sup>116</sup> The resignation statements often plead for release from an intolerable burden.<sup>117</sup> As early as 1563 John Willock stated that he:

desired to be disburthened of the great charge layed upon him, which he had undertaken onlie for a time, and requested the Assemblie to lay no greater burthen upon him then he was able to beare.<sup>118</sup>

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<sup>113</sup> SRO NP1/35, fos 40v-41r.

<sup>114</sup> SRO NP1/35, fos 40v-41r. In 1580 Winram assigned a further £200 (*sic* - although the sum remaining was only 200 merks, the figure of £200 is consistently repeated in the entry) from the archbishop's obligation to Alexander Jardine, a canon of St Andrews, in part of payment of a larger sum owed. SRO NP1/35, fos 92r+v. The failure of Adamson to honour his promise to pay Winram the 1000 merks may, in part, reflect a degree of animosity felt between the two men. In 1570 Winram had been the chief instigator in refusing to recognise Adamson's admission to the principalship of St Leonard's College in St Andrews. (See below, pages 202-203). In 1572, while Winram was admitting John Douglas to the archbishopric of St Andrews, Adamson preached against the appointment. Melville, *Diary*, 25.

<sup>115</sup> A detailed description of the extensive tasks undertaken by a commissioner is found in the recorded commission to John Robertson and Robert Graham when sent to Caithness. *BUK*, I, 311-312.

<sup>116</sup> Many of the commissioners to plant kirks also tried to resign. For resignation pleas to the end 1582 see, *BUK*, I, 39 *bis*, 40, 44, 65, 77, 92, 120, 129, 150, 165, 183, 190, 205-206, 239, 242, 243-244, 256, 264, 283, 287, 296-297, 297, 302-303, 311, 317-318, 318, 337, 365, 368, 390, 420-421.

<sup>117</sup> In March 1574 the mass resignation of Winram, Spottiswood and Erskine of Dun (by then the only remaining superintendents) appears to have been a calculated move to emphasise to the recently appointed bishops the superintendents' willing subjection to the Assembly and the fact that their appointment was at the behest of the Assembly. *BUK*, I, 296-297. At an earlier session of the same Assembly it had been emphasised that the jurisdiction of the bishops was not to exceed that of the superintendents. Moreover the bishops "salbe subiect to the discipline of the General Assemblie as members theof, as the Superintendents hes bein heirtofor in all sorts". *BUK*, I, 294.

<sup>118</sup> *BUK*, I, 39.

The same year John Spottiswood plead that "he was not able to discharge so great a burthen as he was burthened with".<sup>119</sup> Eleven years later, worn out by age, unable to travel and poor, he was still trying to resign.<sup>120</sup> John Erskine of Dun too "desired to be exonered of his burdensome calling, in respect of the weakness and debilitie of his bodie".<sup>121</sup> John Winram was the last of the superintendents to seek resignation.<sup>122</sup> In his plea for release, in June 1566, he confessed his "inabilitie to discharge the office" and requested the Assembly to "denude him of it".

However, despite repeated petitions for release no superintendent was allowed to resign. At his first attempt in 1566 the Assembly told John Erskine of Dun that they would "not altogether exoner him" but, acknowledging his poor health, allowed him to appoint "some of the best qualified within his bounds, to visit when he found himself unable".<sup>123</sup> One year on another request for resignation was rejected and the superintendent was continued "till farder advisement".<sup>124</sup> On his fourth attempt in 1574 Spottiswood was informed:

The General Assembly having considered the said supplication, seing the present necessity and state of time in danger, and appearand perrill effectually to succeed, in case the said dimission were received, brotherly requested the said Superintendent, in the name of God, to continue in his office till the nixt Assembly, using such diligence therein, as he may reasonably without hurt or damage to his person....<sup>125</sup>

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<sup>119</sup> *BUK*, I, 39

<sup>120</sup> *BUK*, I, 302-303.

<sup>121</sup> December 1566 *BUK*, I, 92. Erskine of Dun also cited age and infirmity in January 1567/8, *BUK*, I, 120.

<sup>122</sup> Spottiswood and Willock first asked to be released in December 1563, Erskine of Dun in December 1565, and Winram in June 1566. *BUK*, I, 39 *bis*, 65, 77.

<sup>123</sup> *BUK*, I, 92.

<sup>124</sup> *BUK*, I, 120.

<sup>125</sup> *BUK*, I, 302-303.

He was granted the help of one or two assistants in his visiting, and again promised that "in the mean time" the Assembly would once more petition the Regent for his yet unpaid stipend.<sup>126</sup>

Like his fellow superintendents John Winram's attempts to resign were rejected. He tried, unsuccessfully, to resign from his entire district in 1566.<sup>127</sup> In April 1571 he tendered his resignation to his own superintendent's court.<sup>128</sup> Although this was rejected by the court, in practice it was effective and Winram took little further part in the court's activities. At the Assembly of March 1571/2 Winram successfully demitted those areas subject to the archbishop of St Andrews. This reprieve proved to be temporary, however, and he was re-commissioned to much of his original district in March 1574/5.<sup>129</sup>

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<sup>126</sup> As had become common, the Assembly "brotherly" requested the resigning superintendent to continue in his office "till the next Assembly". For example, *BUK*, I, 129, 183, 190, 302-303, 311, 318, 337.

<sup>127</sup> *BUK*, I, 77.

<sup>128</sup> *RSLAKS*, I, 346-347.

<sup>129</sup> *BUK*, I, 318. A rough, but revealing, guide to Winram's changing status is had from his auditing of the accounts of St Leonard's College between 1550 and 1582. From his familiar title of subprior used between November 1550 and October 1558 he displayed something of an "identity crisis" during the upheaval of the following two years opting for the neutral "M. Joanne Winram" in October 1559 and "Magistro Joanne Wynramme sacre theologie professour" the following year. From October 1562 to September 1569 his new title of superintendent of Fife was constantly used. This was dropped in 1570 in favour of oconomus of St Andrews. Over the following years the rapid changes to his role become apparent as he is variously styled superintendent of Strathearn (December 1572) prior of Portmoak (September 1574) superintendent of Fife (September 1575, September 1576) before returning, for the rest of his life, to being prior of Portmoak (September 1577, 1578, 1579, 1580, 1581, 1582). *St A. Muniments* SL515, 9, 21, 31, 35, 47, 57, 67, 78, 89, 99, 111, 123, 141, 147, 163, 173, 189, 203, 219, 231, 251, 267, 275, 286, 298, 311, 319, 329, 338, 344. (Note: this volume of the St Leonard's accounts is wrongly identified as SL516 in the hand indexes of St Andrews' University Library, an error which has been perpetuated in some secondary works.)

## Reassigning Districts

The Assembly was aware of the limits of the existing system of national oversight. Some of the brethren told the Assembly in August 1575 that they were worried:

that the lang continuance of Commissioners in thair offices, sould induce some ambition and inconvenience within the Kirk; and therfor was thocht a matter to be consultit in this Assemblie, Whither it were best that the Commissioners of Provinces sould be changit fra zeir to zeir, fra the countreyes quher they travell to vthers.<sup>130</sup>

After a long debate it was concluded that “quher men may be had abill to vse the Commissioun, that ane zeirly exchange sould be”.<sup>131</sup> The proposed changes seem to have been unexpected and the existing scheme continued relatively unchanged for that year.<sup>132</sup>

The following April the Assembly was ready to meet the challenge of a major re-organisation of its national oversight, especially in its division of districts and assignation of visitors. Few could have objected when it was acknowledged:

Forsamekle as the great and intollerable burden lying to the charge of Bishops, Superintendents and Commissioners, is, and hath been the very cause, that the whole Kirk within thir bounds could not be duely overseen, consequently good discipline unexercised within the same for lack of visitation....

Having at long last conceded the impossible burden placed on one man in overseeing upto one hundred parishes the Assembly continued:

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<sup>130</sup> BUK, I, 336-337.

<sup>131</sup> BUK, I, 336-337.

<sup>132</sup> With almost all commissioners being continued in their existing bounds, including Winram, Spottiswood and Erskine of Dun. BUK, I, 336-337. (John Erskine of Dun is not specifically mentioned in the surviving minute but other references show that he too was continued in his familiar district.)

Therefore it is thought meet, that such bounds be appointed to every Commissioner and Visitor, as may be duely visit and overseen be every one of them.<sup>133</sup>

To achieve this new division of districts the country was divided into sixteen areas, and small groups of between two and six men, often including an existing commissioner, were given twenty-four hours in which to:

make a proper distribution and division of the whole bounds of this realm, and to give in writt their opinions and judgement how every bounds may be best visited.<sup>134</sup>

From the *First Book of Discipline's* original division of ten superintendents' districts it was now acknowledged that the country "might be best and most commodiously visited" if it were subdivided into twenty districts served by at least twenty six visitors.<sup>135</sup> John Erskine of Dun's district remained one unit, but was now to be served by three visitors; John Spottiswood's district was divided into two, and again served by three visitors; John Winram's district was divided into four and was to be served by John Winram "with such others as he shall chuse", and four others. Perhaps the greatest testament to the high level of commitment and extreme demands made on the original superintendents was the number of men now appointed to carry out much the same duties.

The duties of these new visitors was outlined in a document approved by the Assembly.<sup>136</sup> These duties were every bit as onerous as those originally assigned to

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<sup>133</sup> BUK, I, 353.

<sup>134</sup> Galloway; Nithsdale and Annandale; Teviotdale; Twedale; Lothian and Merce; Fife; Dunblane; Strathearn; Ayr; Clydesdale; Angus, Mearns, Stormont and Gowrie; Aberdeen and Banff; Moray; Ross; Caithness. No committee was appointed for Argyll, instead a request was directed to Colin Campbell, 6th Earl of Argyll, to attend the Assembly "for order to be tane" with that area. Shetland and Orkney received no mention. BUK, I, 353-356.

<sup>135</sup> BUK, I, 358-359.

<sup>136</sup> Detailing "the power and jurisdiction which shall be given be the Kirk to the Visitors of Countries". BUK, I, 356-358.

superintendents, but the districts were much smaller. The new visitors were to summon and moderate over their synods - to which they themselves were subject. It was their responsibility to ensure that the Exercise was attended. They were to examine all ministers, oversee all schools and churches. Where churches were established the visitor was to ensure its good repair, the designation of the manse and glebe, and the keeping of the kirk yards. Where there was no reformed church they were to establish one. The General Assembly went to great lengths to place strict limits on the individual powers of a visitor. When appointing ministers they were to seek the advice of their "Provincial Assemblies" or six of their district ministers.<sup>137</sup> They were also to obtain the consent of their entire synod when seeking to depose any minister - "because the power stands not in the Visitor, but in the Kirk".<sup>138</sup>

### *John Winram's changing district*

In this reorganisation Winram, now aged 84, was still assigned an area to visit. The wording of his commission suggests that his health was now failing as, for the first time, he was permitted to seek assistance from others:

Mr John Winrame with such others as he shall chuse, with advice of the Commissioners that are to pass to Sanct Andrews:- Fife from Sanct Andrews to Leven.<sup>139</sup>

Over the following two years the minutes from the Assembly are unclear as to Winram's continuing role. He was not one of the few named visitors who were moved or replaced, implying he was included under the catch-all phrase that

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<sup>137</sup> The Provincial Assembly is clearly distinguished from the synod meeting and probably refers to the Exercise.

<sup>138</sup> BUK, I, 356-358.

<sup>139</sup> BUK, I, 359.



commissioners "were continued" until it is specifically recorded in June 1578 that the district from St Andrews to Leven was to be visited by Patrick Adamson, the archbishop of St Andrews.<sup>140</sup> However, the accounts of St Leonard's College show that by September 1577 Winram had relinquished the title of superintendent.<sup>141</sup> It seems likely that although Winram accepted his new commission in April 1576 he served, with assistance from others, for only a year or so. By mid 1577, after sixteen years, Winram took no further part in the visitation of Fife.

Despite the major re-organisation introduced in 1576 the office of superintendent was not supplanted by that of the new visitors. Perhaps in recognition of the debt owed to their five superintendents, and especially to Winram, Spottiswood and Erskine of Dun, the office continued to be recognised by the General Assembly until after the death of the last of these men "whom God hath endowed with his singular graces".<sup>142</sup> Not until August 1590 did the Assembly rule that "quhair Presbyteries are established and well constitute, the office and order of commissioners of countreys, or Superintendents, sall cease".<sup>143</sup> Superintendence now passed on to presbyteries.

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<sup>140</sup> *BUK*, I, 416.

<sup>141</sup> See above note 129. Winram was cited as Superintendent of Fife and Prior of Portmoak in January 1576/7, SRO CS7/67, new fos 88r+v.

<sup>142</sup> *FBD*, 115.

<sup>143</sup> Row, *History*, 407-408. *cf.* the wording from *BUK*, II, 773, "quher the presbitries are weill constitute, that the ordour of Commissioners of Countreyes sall cease".

## LIFE OUTWITH THE KIRK

## Chapter 5

### Beyond the Kirk

#### I

#### *St Andrews' Priory after 1560*

Although Winram's major role after 1560 was as superintendent of Fife he never ceased to be subprior of St Andrews. His two offices could be complementary as, for example, when assigning parishes to the twenty-two canons who served in the reformed church. Not only was it in Winram's interest as superintendent to have the churches within his district served by competent clergy, as subprior it was also in his interest to have canons from St Andrews quickly assigned to churches, especially if they were churches appropriated to the priory. By utilising the canons from the priory he could serve both ends at once. The first known appointments of fourteen of the sixteen ministers and six readers or exhorters drawn from the priory were to parishes subject to Winram's oversight. Moreover, twelve of these were in churches appropriated to the priory.<sup>1</sup> (Appendix 2)

Pragmatism, rather than cronyism, lay behind these appointments. Winram would have been keen to staff the churches in his district with men whom he knew and trusted. Equally, the reform-minded canons who had flooded the priory in the 1550s would have been keen to serve under the man who had led them in the years before the Reformation. However much Winram, as subprior, would have liked to

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<sup>1</sup> In addition five were placed in churches appropriated to the priory which lay outwith Winram's superintendent's district. (Appendix 2).

show favour to his brethren, the conscientious discharge of the duties of Winram the superintendent governed the placements. Each canon had received a good education but Winram did not admit every canon who chose to serve in the Kirk to the superior (and higher paid) position of parish minister. The superintendent considered over one quarter of those canons whom he examined to be unfit to serve as ministers and suitable only for appointment as a reader or an exhorter.<sup>2</sup>

Once in their parishes, the canons were subject to the same rigorous oversight as all other incumbents within Winram's district. The superintendent allowed no double standards. Canon Alexander Jardine had been appointed minister at Kilspindie, Inchtute and Rait.<sup>3</sup> When he committed fornication with Catherine Kidd Winram, as his superintendent, summoned him to his court in St Andrews. The charge being proven Jardine was immediately suspended from his appointments and instructed to marry Kidd within forty days.<sup>4</sup> Although Jardine conformed by completing his marriage and his public satisfaction Winram did not restore him to his post. Instead, the superintendent brought the matter to the General Assembly who confirmed Winram's earlier decision and continued Jardine's suspension for a further six months.<sup>5</sup> Only after nine months suspension from office was Jardine restored by Winram.<sup>6</sup>

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<sup>2</sup> See below, Appendix 2.

<sup>3</sup> East of Perth.

<sup>4</sup> 29 September 1563, *RStAKS*, I, 186-187.

<sup>5</sup> 31 December 1563, *BUK*, I, 45.

<sup>6</sup> 29 June 1564, *BUK*, I, 50.

## Crisis Points: 1565

Winram's role as the post-Reformation subprior was far more than simply finding appointments for the canons. The priory continued as a legal body overseeing and administering its vast resources. Winram already had extensive experience of being the *de facto* head of the priory while Lord James Stewart had been a child. He would fulfil this role again with the changing fortunes of the commendator. The first rigorous test of Winram's skills came in 1565. On 6 August Lord James was declared a rebel and put to the horn for his opposition to the Queen's marriage to Henry, Lord Darnley.<sup>7</sup> On 9 September while Lord James was in the west of Scotland trying to rally support for his cause, the royal couple rode into St Andrews, determined to stamp their authority upon the rebels.<sup>8</sup> Winram could do nothing to prevent the Crown's officer seizing Lord James' houses within the priory precinct. Every item within his old lodging house and the new, down to the last frying pan, was listed before the houses were locked and the keys delivered to the Crown's representative.<sup>9</sup> Likewise the goods within the castle of St Andrews were listed, the buildings locked and the keys surrendered.<sup>10</sup> The next day the triumphant royal couple issued a proclamation from St Andrews denouncing the rebels and extolling their own religious tolerance.<sup>11</sup> In the few weeks since Lord James had been declared a rebel

<sup>7</sup> *RPC*, I, 349-50. For background information on this episode see Dawson, 'Mary Queen of Scots'; Lee, *James Stewart*, chapters 5&6.

<sup>8</sup> James Hamilton, Duke of Châtelherault; James Stewart, Earl of Moray; Alexander Cunningham, 4th Earl of Glencairn; Andrew Leslie, 5th Earl of Rothes - General circular addressed to Colin Campbell of Glenorchy, 12 September 1565, SRO GD112/39/4/22, reprinted in Dawson, *Campbell Letters*.

<sup>9</sup> 9 September 1565, SRO NP1/26, fos 24v-25v. Reprinted in Hay Fleming, *The Reformation*, 608-612.

<sup>10</sup> 9 September 1565, SRO NP1/26, fo 26r.

<sup>11</sup> 10 September 1565, Proclamation by Mary and Henry, British Library, Royal, 18B vi, fos 229r+v.

events had moved swiftly. Another month and Lord James fled to England, depriving the priory of its commendator.<sup>12</sup>

Sensing an opportunity for personal gain John Hamilton, archbishop of St Andrews, began scheming for the spoils of the priory. The royal treasurer had arrested the goods of named rebels within the regality of St Andrews, treating them as escheats of the Crown.<sup>13</sup> In November 1565 Hamilton challenged this, claiming that it was he, as the lord of the regality of St Andrews, who held the rights to the escheats of all landowners put to the horn within the regality.<sup>14</sup> Shortly thereafter the archbishop extended his claim to include the fruits of the priory of St Andrews and obtained letters preventing them from being paid to the Crown.<sup>15</sup> On 7 January 1565/6, with the archbishop and the crown both fighting over the priory's money, the matter was referred to the Privy Council for their judgement on 24 January.<sup>16</sup>

John Winram was trapped in the middle, with the Crown and the archbishop fighting over the vast resources of the priory. As yet the priory had no input into the matter which was due to be concluded in little over two weeks. With only days to spare Winram gathered over two-thirds of the surviving canons in St Andrews to

<sup>12</sup> On 6 October, Lee, *James Stewart*, 151. 5 October 1565, Bedford to Cecil, *CSP(For) Elizabeth*, 1564-65, 480-481; 7 October 1565, Bedford to Elizabeth, *CSP(For) Elizabeth*, 1564-65, 482.

<sup>13</sup> *RPC*, XIV, 307-308.

<sup>14</sup> In the archbishop's original petition the names of the rebels did not include Lord James Stewart but only Andrew, Earl of Rothes, George Learmonth of Balcomy, James Hallyburton, provost of Dundee and David Moneypenny, fiar of Pitmilley. *RPC*, XIV, 307-308.

<sup>15</sup> *RPC*, XIV, 307-308. As early as 22 November 1565 the Privy Council had summoned the priory chamberlain, David Orme, to give satisfaction concerning the state of the priory's accounts. *RPC*, I, 403-404. 7 January 1565/6, SRO CS15/8, "Archbishop of St Andrews v's Earl of Murray", no bundle numbers. Perhaps fearful that the archbishop would also try to alienate the castle of St Andrews from the Crown the Privy Council ruled on 4 January 1565/6 that although the castle was occupied by Hamilton it was to remain at the Queen's disposal. *RPC*, I, 416.

<sup>16</sup> 7 January 1565/6, SRO CS15/8, "Archbishop of St Andrews v's Earl of Murray", no bundle numbers.



determine their response. On 18 January the chapter signed letters of procuratory authorising Richard Strang, one of the advocates of the General Assembly,<sup>17</sup> to represent the priory's interest at the forthcoming meeting of the Privy Council.<sup>18</sup>

The tone of the long letter reveals the desperate situation. No time would be available for Strang to return to St Andrews for further instructions or powers therefore it was vital that he was given complete authority to act in the priory's name, and that no loopholes were left (which could invalidate his commission).<sup>19</sup> It worked, and Strang won his argument. The Council accepted the priory's submissions and ruled that the archbishop had no legal right to pursue his claim.<sup>20</sup> Winram had successfully ridden out this challenge to the priory. By March Lord James had been released from the horn and was back in Scotland and back in favour with his half-sister, Queen Mary.<sup>21</sup> Royal letters were issued ordering the keys of Lord James'

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<sup>17</sup> BUK, I, 50, 113.

<sup>18</sup> 18 January 1565/6, SRO RH6/2015.

<sup>19</sup> For example, because the document was drawn up with the option of more than one procurator, it included a clause to ensure any one procurator could continue the work of another: "swa that the spetialitie sall mak na derogatioun to the generalitie nor be the contrare bot it that ane of them begynnys and vther may finische terminate and end the same". 18 January 1565/6, SRO RH6/2015.

<sup>20</sup> 7 January 1565/6, SRO CS15/8 "Archbishop of St Andrews v's Earl of Murray", no bundle numbers, 29 January 1565/6 endorsement. No details of the priory's submissions are recorded. This victory against the archbishop established a precedent within the Scottish legal world. From thence forth it was acknowledged that the fruits of a religious house were not the personal property of its prior or abbot, but pertained to the house. Citing this challenge by "The convent of the abbay of Sanctandros contra the Bischope" James Balfour of Pittendreich in his *Practicks* notes that "Gif the Priour or Abbot of ony abbay or religious place be denuncit rebel, and put to the horn, the patrimony, rentis and profitis of the abbay fallis not under his eschete; because the samin is gevin to the up-haldin of the place, and sustentatioun of the convent, and na part thair of ordanit be the fundatouris thair of, particularlie to the Priour or Abbot, quha thairfoir is onlie Minister and Officiar to the convent; swa that his trespass sould not be hurtful or prejudicial to thame in thair gudis and geir, thay being innocent of the crime committit be him". Balfour, *Practicks*, II, 557.

<sup>21</sup> Lee, *James Stewart*, 168-169.

lodgings and his properties to be given back to him.<sup>22</sup> With the commendator restored the running of the priory returned to its usual routine.

### Crisis Points: 1570

The next time Winram found himself in sole charge of the priory the cause was more serious. In January 1569/70 Lord James was assassinated.<sup>23</sup> Despite Winram's vast experience this was an unprecedented situation both for him and the remaining canons. For almost a century the priory of St Andrews had never been without a prior.<sup>24</sup> With no previous experience on which to fall back the priory was initially forced into a reactive mode, dealing with events as and when they arose.

There does not appear to have been any attempt to secure the office of commendator of the priory immediately following the assassination. However, William Douglas of Lochleven, Lord James' maternal half-brother, appealed to the Scottish nobility for the patronage of the priory. Citing an ancient Scottish custom Douglas noted that the heir of one who was slain in the service of the crown, either in defence of the realm or in promotion of the common weal of Scotland, both received

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<sup>22</sup> 14 April 1566, SRO NP1/26, fos 32r+v, which records the royal edict of a general remission of 26 March 1566. There was some delay in returning the properties to Lord James when the named keyholder denied all knowledge of the keys. *Ibid.*

<sup>23</sup> John Scott, the public notary who undertook much of the priory's notarial work recorded the assassination thus: "Mounday the xxij day of Januar 1569 at xj houris befor noun James commenditor of the priorie of Sanctandros, Erle of Murray and Regent of Scotland foirsaid, was schamfullie and tresonabillie slaine be Jaimes Hammyltoun of Bodelhauegh with ane schoit of ane culvering and passit his way nocht tane at that tyme". SRO NP1/26, fo 3r of unpaginated front section.

<sup>24</sup> John Hepburn served as prior from 1483 to 1526. In 1524 he successfully petitioned Pope Clement VII to appoint his nephew, Patrick Hepburn, as coadjutor to the priory. Therefore when John Hepburn died his successor had been long established and there was no disruptive period of vacancy. (10 June 1524, *HMC*, 9th Report, 191). In 1538 Patrick Hepburn was 'promoted' to the bishopric of Moray and the abbacy of Scone. His place in St Andrews was immediately filled by the seven-year-old James Stewart. Again, there was no disruptive vacancy. See above, pages 13-17.

their ward and marriage and was provided and admitted to any benefices that they had held.<sup>25</sup> Since Lord James was murdered while serving as Regent, Douglas, as his brother and nearest friend, petitioned to receive the benefit of the ancient custom.<sup>26</sup> His desire for the patronage right was, he claimed, fuelled only by the purest of motives. If successful he promised to give the priory "to sic a qualifyt personage as I sall name quha sall bayth satisfie zour Lordships and the Kirk". Moreover, the placing of his candidate in the priory would encourage others to "haif the bettir courage to hazard and bestow yair lyves in the Kingis service heirefter".<sup>27</sup> Douglas' claim failed, and the priory remained vacant.

### *Patrick Adamson and St Leonard's College*

Winram's informal running of the priory's affairs after Lord James' assassination may have continued had not some of the priory's rights come under threat as a direct result of the vacancy. In early March 1569/70 a convention of the Nobility and Estates, along with the Privy Council, charged George Buchanan, who was then principal of St Leonard's College, to resign his principalship in order to accept a post as tutor to King James. The college had been founded by the prior and chapter of St Andrews in 1512 and the priory held the right to nominate, present and admit the college principal.<sup>28</sup> Nevertheless, the convention declared:

<sup>25</sup> APS, II, 599-600 (September 1547), reaffirmed August 1571, APS, III, 63.

<sup>26</sup> A similar request was made in January 1570/1 by Lord James' widow, Annas Keith. She wrote to Elizabeth, Queen of England, requesting, amongst other things, that Elizabeth might endeavour to enforce the "lovable custome" of Scotland whereby the heirs of any who died in the King's service were given the wards and marriages pertaining to those who had been slain. CSP(S), III, 474-475.

<sup>27</sup> SRO GD150/452(a). Undated.

<sup>28</sup> Such a ruling was made in Prior John Hepburn's Statutes, Herkless and Hannay, *St Leonard's* 168-170.

albeit the presentatioune, nominatioune, and admissiounne of the Maister of the said College pertenit of auld to the Pryoure of Sanctandros, yit the same rycht and patronage presentlie appertenis to our Soverane Lord, alsweill be ressoune of the lawis of the realm as because the Priorie of Sanctandros presentlie vaikis, destitut of a Prioure or Commendater.<sup>29</sup>

Without consulting the priory, the convention proceeded, on the recommendation of Buchanan, to receive and admit Patrick Adamson to the principalship of St Leonard's.<sup>30</sup>

Adamson swiftly attempted to take up his appointment. However by 3 April he was defeated. Before the notary John Scott he protested that despite his appointment by the convention:

he could nocht find favour of ye superintendent of Fyff, Maister Jhonne Wynram, and ye members of ye said college for ye tyme to be resavit yairin as principall maister of ye saimen.<sup>31</sup>

Winram had successfully organised the regents of the college against Adamson. Adamson might have had the mandate of the convention but without the backing of the regents and the subprior he was not admitted.<sup>32</sup>

### *Winram as oekonomus*

Having seen how fragile their hold on their own affairs could be the brethren of the priory acted swiftly to remedy the situation. Within 24 hours of Adamson's protest:

<sup>29</sup> *RPC*, XIV, 40-41.

<sup>30</sup> Future archbishop of St Andrews.

<sup>31</sup> 3 April 1570, SRO NP1/26, fo 90r.

<sup>32</sup> As Herkless and Hannay note "there is ... no evidence in any of the university documents to show that Adamson ever acted as principal." Herkless and Hannay, *St Leonard's*, 34. See too Watt, *Fasti*, 385.

the haill clergie of Sanctandros with the haill ministeris convenit thame selffis in Sanctandros ... thair thay chised ane new pryour and callit him Iconimin.<sup>33</sup>

This *oeconomus* was John Winram.<sup>34</sup> Winram's first action was to regularise the oversight of the priory's affairs. Immediately, the chapter met in Winram's lodgings in the senzie hall to organise the running of the priory for the foreseeable future. It was concluded that future chapter meetings would:

awayse, consult and conclud vpoun sik necessare effairs as then sall occurre for the weil and comoditie of our place and comoun weill of ws the saidis brethren.<sup>35</sup>

They would be held twice in the year, Good Friday and the first Friday after Michaelmas (29 September). Recognising that matters concerning the priory would arise between chapter meetings they gave the full and irrevocable power of the chapter to John Winram as *oeconomus*, with the assistance and concurrence of between three and five named canons, to deal with "all effairis of the place".<sup>36</sup> Winram was given additional authority to oversee the priory's finances.<sup>37</sup>

Winram claimed to be adopting a casual attitude to his election. Writing on 22 April to Annas Keith, widow of Lord James, he informed her: "I am electit to be ane oeconoing bot I porposs to mell wyth no thyng God willyng".<sup>38</sup> In practice he was anything but casual. With his new found authority and legally recognised leadership of the priory Winram quickly guided the chapter to appoint James Wilkie,

<sup>33</sup> *Pitscottie*, II, 227. Although he states that this election took place on 5 April Winram was already in post at the meeting of the chapter on 4 April. It seems likely that *Pitscottie* is mistaken by a day.

<sup>34</sup> *Pitscottie* goes on tantalisingly to note that in this election "the one half of the clergie war aganes the vther" without further expansion. It is possible that Adamson organised the opposition against Winram. See above, page 177, for protests at the General Assembly over Winram's appointment.

<sup>35</sup> NLS Adv. 17.1.3 new fo 355v.

<sup>36</sup> John Ure, Alexander Jardine, John Simpson, David Peebles, John Williamson and John Fleager.

<sup>37</sup> NLS Adv. 17.1.3 new fo 355v.

<sup>38</sup> 22 April 1570, John Winram to Annas Keith. NRA(S) 217, Box 15, no. 52.

a cousin of the subprior, as principal of St Leonard's College, without any acknowledgement of Adamson's earlier nomination:

vnderstanding our college of Sanct Leonard this lang tyme bypast to have bene destituit of ane principall masiter makand residence yairintill to the gryt hurt and skaith of the samyn, all wyth ane voce ... ordainis ... maister James Wilke to be maister principall.<sup>39</sup>

### Assigning St Serf's Inch to St Leonard's College

One of Winram's last actions as *oeconomus* came on 5 October 1570, four days before Robert Stewart, bishop of Caithness, took over as commendator. That day Winram, and nineteen canons of the chapter, issued a charter of union conveying the priory of St Serf's Inch within Lochleven to St Leonard's College.<sup>40</sup> As prior of St Serf's Winram retained its substantial material and financial benefits. Only upon his death would these pass to St Leonard's, and the title of prior of St Serf's Inch pass to the principal of the college.<sup>41</sup>

### Prior Robert Stewart

On 9 October 1570 Robert Stewart, bishop of Caithness and younger brother of the new regent, Matthew Stewart, 4th Earl of Lennox, was served with letters

<sup>39</sup> 15 April 1570, St A. Muniments, SL110.MB18.1. Winram had also sanctioned an annual pension of £80 to another relative, Robert Wilkie, minister of Cupar. 10 April 1570, St A. Muniments, SL110.PW114.

<sup>40</sup> NLS Adv. 17.1.3 new fos 299r+v; SRO NP1/26, fos 101r-103v. George Martine states that the charter was subscribed by John Winram and twenty five other canons, Martine, *Reliquiae*, 162. The original charter has not been found and the figure of nineteen canons is taken from the registering of the charter in the protocol book of John Scott, SRO NP1/26, fos 101r-103v.

<sup>41</sup> Perhaps fearing that the annexation might be challenged by the new commendator great effort was expended, possibly by the regents of St Leonard's College, in recording the fact of the annexation with several authorities. For example, it was recorded in the principal's book in St Leonard's, the charter book of the priory, and the protocol book of John Scott. NLS Adv.17.1.3 new fos 299r+v; SRO NP1/26, fos 101r-103v.



admitting him as commendator prior of St Andrews after which Winram reverted to his more familiar role as subprior.<sup>42</sup> Despite putting an end to the long vacancy the move was far from welcome. Letters appointing Robert Stewart were issued in Edinburgh during a gathering of Parliament to ratify the election of his brother to the regency.<sup>43</sup> William Douglas of Lochleven was so offended by the commendator's appointment that he refused to remain in the city at the same time.<sup>44</sup> His offence, no doubt linked to his earlier failure to secure the patronage rights of the priory, was surpassed by that of John Knox.

Claiming that the appointment of Stewart mirrored the worst abuses of the Catholic church of nepotism in promoting unfit men into benefices purely for financial gain and family favour Knox mounted the pulpit of St Giles church in Edinburgh and expounded upon his disgust. During his sermon he "lamentyt sayr syk dystribwtions off benefecis to mene nocht apt nor meit ffor theyme". Knox struck fear in the hearts of those who listened as he called down the "plagys off God to be pwryt owt one thys realm and magystratys".<sup>45</sup>

After almost nine months the priory of St Andrews had its new commendator. However, Stewart did not command respect. In giving his "estimate of the Scottish nobility" one contemporary described him as "a man paste lx, simple, and of lyttle action or accompte".<sup>46</sup> He was also noted for pursuing golf, archery and "guid

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<sup>42</sup> RSS, 6/930.

<sup>43</sup> RSS, 6/930.

<sup>44</sup> 12 October 1570, The Master of Marischal to Annas Keith, NRA(S) 217, Box 15, no. 298.

<sup>45</sup> William, Master of Marischal, brother to Annas Keith, recorded that he was "sarafferd". 12 October 1570, The Master of Marischal to Annas Keith, NRA(S) 217, Box 15, no. 298.

<sup>46</sup> Written by Alexander Hay in 1577. Rogers, *Estimate*, 33.

cheir".<sup>47</sup> Some people sought to have him removed from the priory.<sup>48</sup> As late as June 1571 it was casually reported to Annas Keith that "the Beschope of Caythness is in Dumbartane in ward becaus he vill nocht grant to ye demittin of ye priorie".<sup>49</sup> That this event is only recorded as incidental gossip in a letter probably reflects the failure to secure the sought-for resignation. As with William Douglas' fit of pique and Knox's sermon, the jailing of Robert Stewart did not have the desired effect of removing the him from the commendatorship of St Andrews.

There was a considerable 'settling in period' during which Stewart's continued holding of the office was uncertain. The new commendator's appointment followed his brother being appointed as Regent. When Lennox was killed on 3 September 1571 the commendator lost his patron and his position became vulnerable. The English Queen interceded with the new Regent, John Erskine, 1st earl of Mar, that he would "shew favour to the Bisshop of Cathnes ... that he may enioye still the priory of Saint Andros".<sup>50</sup>

Stewart did retain his position but alienated many of his chapter by giving away much of the priory's resources. After a year of such excesses the chapter, led by Winram, protested that they and the priory:

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<sup>47</sup> Melvill, *Diary*, 90.

<sup>48</sup> The names of whom are not known.

<sup>49</sup> 20 June 1571, Robert Flescher to Annas Keith, NRA(S) 217, Box 15, no. 161. This comment is almost lost within the contents of a letter in which the news is dominated by events in Edinburgh and Leith during the ongoing civil war between the King's and the Queen's parties. In a detailed and colourful account Flescher notes that "the slauchter was so greit yat the gwtteris of ye Cannagait ran full of blude and the condyat of vatter yat rynniss behynd ye zardis of the Cannagait on the north syd was raid as blud."

<sup>50</sup> [-] November 1571, Queen Elizabeth to Regent Mar, SRO GD124/10/31. Reprinted in *CSP(S)*, IV, 51, where the date is given as 24 November 1571.

haif bene haveyly hurt in tymes bypast be granting of mony and syndir of diverss pensionis to sindre personis for null and frevoll causses throwth inopartune arying and solistatioun of grit men and yair frendis. And feirring yat in tyme cumming grittar hurt and skayth sall occowr to ye said place and memberis yairof without dew and oportune remady be providit yairfor in tyme.

If the situation was not remedied they feared even greater hurt. The erring commendator promised:

in tyme cuming to gyf nor dispone na pensionis of victuall nor mony tyll ony person or personis quhatsumevir of ye renttis of ye said abbay nor zit to set ony fewis or langtaxis nor mak ony alienationis of ony pritins gvydis of ye samin vithout adviss consent and subscriptionis of ye said cheptour or ye maist part yairof.

Any grant given without the chapter's consent was to be null and void.<sup>51</sup> Despite his shaky start, Robert Stewart retained his position as commendator of St Andrews until his death in August 1586, when he was buried, like John Winram, in St Leonard's church.<sup>52</sup>

### Winram's Personal Gains

Winram's associations with the priory after 1560 were not all to do with its administration. Some transactions were to his own personal advantage. Before the Reformation he had secured personal gains through his appointments to the vicarage of Dull and the priory of St Serf.<sup>53</sup> After 1560 he both retained these and gained priory property, money and land - independent of any ecclesiastical appointment.

<sup>51</sup> 3 October 1572, NLS Adv. 17.1.3 new fos 391v-392r. The chapter meeting was held in Winram's priory lodgings.

<sup>52</sup> Cant, *St Leonard's Chapel*, 18-19.

<sup>53</sup> See above chapter 1.

*The Senzie House*

On 15 July 1562 Lord James, with the consent of the chapter, granted Winram a life pension of £200 per year, together with 24 bolls of oats per year and the use, for him and his family, during his lifetime of the senzie house and yard.<sup>54</sup> It seems very likely that this was a gift in anticipation of Winram's imminent wedding to Margaret Stewart.<sup>55</sup> Two weeks later Winram himself, with the consent of the priory, granted "to his lovit Margaret", almost certainly as her dower portion, the liferent of the substantial properties associated with St Serf's:

all and haill ane manss or maner place in Kirknes with zard and houss yairof togidder with the houss and little zardis of fyve coitlandis pertening yairto ... and als of all and haill the Ile of Sanct Serff within the said Loch of Levin.<sup>56</sup>

At times Winram and his wife stayed in the manor house of Kirkness.<sup>57</sup> They also stayed in St Andrews. Indeed, Winram spent most of his time in St Andrews,

<sup>54</sup> NLS Adv. 17.1.3 new fos 115r+v - signed by Lord James Stewart (duplicate copy at NLS Adv. 17.1.3 new fos 195v-196r). This was a formal recognition of the housing arrangements which already existed.

<sup>55</sup> Although many of the canons did marry only David Peebles and his wife Catherine Kinneir are known to have held property within the priory precinct, granted to them and their successors by Robert Stewart in 1571 NLS Adv. 17.1.3 new fo 303r. After David's death his widow lived on in the house, St A. Muniments, SL110.PW107.

<sup>56</sup> SRO E14/2, fo 87v (precept of sasine, 24 November 1562, St A. Muniments, SL110.H5.1). The original contract was made on 1 August 1562, a Saturday. Such contracts regarding dower portions were usually granted one or two days prior to the wedding which, in accordance with the *First Book of Discipline* and the Synod of Fife was to be held on a Sunday. (FBD, 181-182, 195-196; St A. Muniments MS 30451, fos 4r+v, items G, P). It therefore seems likely that Winram married on Sunday 2 August 1562. Winram and Margaret's marriage was commented upon by Nicholas de Gouda who, on 30 September, remarked that "one of these superintendents, a leading man amongst them, a doctor of theology and a monk, then about seventy years of age, was openly married". *Papal Negotiations*, 136. Because the properties in Kirkness did not belong to Winram, but to St Andrews' priory, he could not freely give them to Margaret. Instead she was to pay the token sum of half a merk in rent, with five merks for the fishing on the loch. SRO E14/2, fo 87v. Margaret's second son Andrew and Robert Winram Collector of Fife were named in succession in the charter.

<sup>57</sup> Both retained belongings in Kirkness. SRO CC8/8/3 fos 127r-128r; SRO CC8/8/3, fos 220v-221r; SRO CC8/8/11, fos 254v-257v. Winram conducted business from there. *Brechin Registrum*, II, 308-309.

sharing the large senzie house with a fellow canon, John Fleager. After their deaths the house was described as:

that hous of old callit the senzie chalmer with all and sundrie the volts and houss als weill heigh and lauch of old occuppyed and inhabited be vmquhille Mr John Wynrame prior of Portmook and John Ffleageor conventuall brether of the said priorie.<sup>58</sup>

Some idea of the size of Winram's St Andrews house can be had from the furniture included in an inventory of Winram's goods "standing in sindrie houses of my lugezeoun within ye said abbay" recorded in 1578:

sex standing beddis of aik, ane oyer ane of busche ... aucht sedder beddis ... fywe wairdors ... nyne bindis of aik schort and lang, ... sex cheirs of aik ... ane grytt schryine with thrie small coffars, four lectornes and ane topbuird of carvit wark ... ane grytt yrone chymnay with ane gallous truks, rakkis, speittis and laiddillis appertenynng yairto, twa uther les chymnayis ... ane hingand chandlayer of brass with fyve uther chandelars of brass ... lykanasier to ane gryt byble of latine with ye haill rest of my buiks conteintig to ye studie and lent furth to sundrie personis ... ane press of aik, and ane dunnie horss.<sup>59</sup>

Winram used his house for his business.<sup>60</sup> Much related to the priory, such as the chapter meetings and "fensit courts" of the priory.<sup>61</sup> Some matters related to his superintendent's court,<sup>62</sup> others to the university.<sup>63</sup> (Figure 2)

<sup>58</sup> St A. Muniments, SL110.E2.3.

<sup>59</sup> 28 September 1578, SRO NP1/35, fos 57r-58r. That Winram had fifteen beds, and the linen (and the feathers) to go with them, suggests that he had acquired some of his furnishings from the fraterhouse of the priory as the numbers of canons had diminished. The commendator, amongst others, is known to have been stripping the cathedral of its materials. 20 February 1576/7, *Treasurer Accts.*, 13, 156, letters charging the prior of St Andrews "and all uthiris demolesaris of the cathedral kirk thairof to desist and ceis fra all forder douncasting thairof". Winram also employed the services of at least two servants and an undercook. SRO CC8/8/11, fos 254v-257v.

<sup>60</sup> One room was set aside as a study. SRO NP1/35, fos 57r-58r.

<sup>61</sup> For example NLS Adv. 17.1.3 new fo 355v; SRO NP1/26 fos 70r+v. "Fensit Courts" handled matters of inheritance involving priory lands.

<sup>62</sup> For example, *RStAKS*, I, 142.

<sup>63</sup> For example, St A. Muniments UY.305/2 fos 71, 79, 92; St A. Muniments SS110.AH1.3



**Figure 2: The Senzie House (roofed building, facing)**

It is of little surprise that after Winram's death the property was coveted. The immediate fate of the building is not known but in 1585 it was set in feu to Robert Schevez, servitor to the commendator.<sup>64</sup> He resigned the property in favour of William Balfour in 1592.<sup>65</sup> Seven years later the then archbishop of St Andrews, George Gledstanes, who had been minister of the parish since 1597, tried hard to have the "maist comodious" senzie house removed from Balfour and designated as the manse of the parish church of Holy Trinity.<sup>66</sup> Despite his efforts the Privy Council ruled that the existing manse and glebe was more than sufficient.<sup>67</sup>

<sup>64</sup> Feu-charter 20 June 1585 - original missing but recorded in a 1678 inventory, St A. Muniments, SL110.E2.1; 8 July 1585 sasine on charter, SL110.E2.3; 6 August 1585 royal charter of confirmation, SL110.E2.4.

<sup>65</sup> December 1592 - from 1678 inventory, St A. Muniments, SL110.E2.1; cf. SL110.E2.6A.

<sup>66</sup> *Fasti*, V, 232; 30 July 1605, St A. Muniments, SL110.E2.11.

<sup>67</sup> Thomas Wood had also been dissatisfied with the existing parish manse. See above, pages 160-161.



With the senzie house went a large garden. Each canon was given their own small plot of land within the priory precinct on which to grow vegetables. These small yards were of value. One canon leased his for an annual rent of 53s 4d, plus one firloft of kail (preferably “guid lonkit kale”) and a peck of onions.<sup>68</sup> The ground assigned to Winram was much larger. He occupied both the “common” yard and the “senzie chamber yard” of the abbey.<sup>69</sup> The location of the common yard has not been determined.<sup>70</sup> The senzie chamber yard lay to the south and west of Winram’s house, bounded by the cathedral walls at the north, the cloister on the east, the abbey close (modern Pends) on the south and the high way to the city (modern South Street) on the west. (Figure 3).



**Figure 3: Senzie House Yard**

<sup>68</sup> 12 January 1565/6, SRO NP1/26, fos 28v-29r.

<sup>69</sup> 12 January 1565/6, SRO NP1/26, fos 28v-29r; St A. Muniments, SL110.E1.

<sup>70</sup> Possibly located in the middle of the cloister. The location of some gardens can be seen in the nineteenth-century sketches by John Sime, RCAHMS Acc. no. 1993/144.

*Pensions and Lands*

The £200 pension assigned to Winram in 1562 was not connected to his stipend as superintendent and compared very favourably with the £100 pensions, which were granted as stipends, to those canons who served the Reformed Kirk as minister of more than one parish.<sup>71</sup> A further pension was assigned to the subprior sometime before 1565 in the form of the vicarage pensionary of Abercromby (or St Monans) worth £40 per year.<sup>72</sup>

None of the above benefits which Winram gathered during his lifetime was passed on to his heirs, instead they died with him. But Winram did make one permanent gain for his successors in the adjoining lands of Craigtown and Lumbo.<sup>73</sup> Winram secured these lands in February 1566/7 as part of a larger feuing of priory lands.<sup>74</sup> In return for a payment of £300 to the priory and an annual rent of £22 5s Winram was given the heritable tenure, through a charter feu-farm.<sup>75</sup> He quickly divided and re-set the lands in tack to others.<sup>76</sup> In April 1572, in a move calculated to secure the lands, Winram resigned his sole rights to Craigtown and Lumbo in favour

<sup>71</sup> NLS Adv. 17.1.3 new fos 136v-137r, 138r-142r, 143r-147r, 167r, 195v, 196v, 355v, 360r, 363r-363v, 385v.

<sup>72</sup> 1 October 1565, SRO NP1/26, fo 26v; 1 April 1566, SRO NP1/26 fo 32r; 27 March 1567, NLS Adv. 17.1.3 new fo 378v; 31 March 1567, NLS Adv. 17.1.3 new fo 379r; 17 March 1579/80, SRO CS7/79, new fos 180r+v. In 1567 a pension of 40 merks was also granted by the priory to Winram's wife, Margaret Stewart. 30 March 1567, NLS Adv. 17.1.3 new fos 381r, 385r. As in the 1562 grant of Kirkness, Margaret's second son Andrew, and Robert Winram, Collector of Fife, were named in succession in the grant of pension.

<sup>73</sup> Lumbo, OS ref. NO4814, c.2.5 km SW of St Andrews, Craigtown, OS ref. NO4714, c.3.5 km SW of St Andrews.

<sup>74</sup> The other lands were Balone, Denbray, Denhead, Gokstown and Strathkinness. SRO NP1/26, fos 42v-43r, 43v-44r, 44r+v; 45r-47r, 48r+v, 50v-56v, 60r-61v, 65r, 84r+v.

<sup>75</sup> 25 February 1566/7, NLS Adv. 17.1.3 new fo 368v; SRO NP1/26, fos 47v-48r; SRO E14/2 fo 62r.

<sup>76</sup> SRO NP1/26, fos 49r, 50r, 50v, 57v-58r. Some of these people were existing tenants of the lands, NLS Adv. 17.1.3 new fos 147v, 162r+v.

of joint rights between himself, his wife, and his cousin Robert Winram Collector of Fife.<sup>77</sup>

Winram's careful management of his personal gains from the priory lands and property was an extension of his handling of the priory's corporate interests. Within St Andrews' priory Winram continued to command great respect after the Reformation. From an administrative point of view the subprior remained the effective leader. In Lord James' absences (enforced or otherwise) Winram was careful to guide and direct the canons, ensuring that the priory retained its identity as a corporate body.

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<sup>77</sup> SRO NP1/26, fo 121v. Winram's right to the title of Craigtown and Lumbo was challenged in 1581 by Annas Keith and the daughters of Lord James Stewart. See below, pages 242-246.

## II

**St Andrews' University**

Although John Winram is best known for his ecclesiastical activities both as subprior of St Andrews and as superintendent of Fife a second sphere of activity also occupied him for most of his life, St Andrews' University.<sup>78</sup> One of the first students to enter St Leonard's College, Winram was actively involved in the affairs of both the college and the university until his death.<sup>79</sup> His affection for his *alma mater* ensured that, after his death, St Leonard's benefited from his generous donation of St Serf's Inch to the college.<sup>80</sup>

**Winram the Student**

Winram determined in St Leonard's College 1515-16.<sup>81</sup> Determination as a Bachelor of Arts usually occurred in the third year of study indicating that Winram entered the college c.1512-13, within months of its foundation in August 1512.<sup>82</sup> The lifestyle to be followed by the members of the college was set out in great detail by its founder, Prior John Hepburn, in his *Statutes*. This "short order of life for the poor

<sup>78</sup> For background on St Andrews' University see Cant, *University of St Andrews*; Herkless and Hannay, *St Leonard's*; Cant, *College of St Salvator*. More general information on European universities can be found in De Ridder-Symoens, *The University in Europe*.

<sup>79</sup> Winram's last known action, four days before his death, was to audit the accounts of St Leonard's College, as he had done virtually every year since at least 1550. 14 September 1582, St A. Muniments, SL515, 344.

<sup>80</sup> See above, page 205.

<sup>81</sup> *StA Recs.*, 104, 211; *St A. Acta*, 316. In all fourteen men determined from St Leonard's that year.

<sup>82</sup> Cant, *University of St Andrews*, 15; Durkan and Kirk, *University of Glasgow*, 91; St A. Muniments, SL110.A1; Herkless and Hannay, *St Leonard's*, 136-144. On 20 August 1512 a founding charter had been issued in the name of the Prior and Chapter of St Andrews erecting the existing Hospital and Church of St Leonard into the "College of Poor Clerks of the Church of St Andrews", a name soon overtaken by the far less cumbersome "St Leonard's College". Herkless and Hannay, *St Leonard's*, 138.

Scholars, Priests and Regents", fell under eight heads: the Manner of Admission, Divine Service, the Manner of Living in College, Going Outside the College, the Master Principal, Chaplains and Regents, Others who Elect to Live in Our College of the Poor, the Correction of Defaulters, and Prayers for the Sick and Departed. The earliest surviving copy of the *Statutes* is a revised form of 1544.<sup>83</sup> They were designed to educate the students in, and familiarise them with, the ideal monastic life. The rigours of student life that Winram entered into can still be appreciated from this revised document.

Winram's admission to his "ordered life" began only after his thorough examination by the prior, subprior and thirdprior of the monastery as well as by the master principal of the college.<sup>84</sup> As a child Winram would probably have been educated first at a song school and then at a grammar school.<sup>85</sup> As part of his examination for St Leonard's Winram had to demonstrate a good grounding in grammatical knowledge and writing gained at these schools as well as a proficiency in Gregorian Chant.<sup>86</sup> He was also examined on his moral and spiritual life to ensure that he was of sober character and free from any "secular disgrace" or crime.<sup>87</sup>

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<sup>83</sup> Hepburn's *Statutes* are referred to in the founding charter of Alexander Stewart. Herkless and Hannay, *St Leonard's*, 139. These Statutes are recorded both in original Latin and in translation in Herkless and Hannay, *St Leonard's*, 145-176.

<sup>84</sup> Who was also a canon of the priory.

<sup>85</sup> See Durkan, 'Education'.

<sup>86</sup> A working knowledge of Latin was also necessary since within the college all speech was to be conducted in Latin. The only exception allowed was that of the cook and his boy, Herkless and Hannay, *St Leonard's*, 164. The emphasis on speaking Latin was repeatedly reinforced during the college visitations.

<sup>87</sup> The 1544 *Statutes* include the warning to examiners not to succumb to "pleading" or "payment" under pain of "external cursing". Herkless and Hannay, *St Leonard's*, 161.



Having met the standards required for entrance Winram would have been formally and ceremonially admitted to the college by approaching the principal on bended knee praying to be admitted to the “holy society” of the college.<sup>88</sup> Once admitted his life was strictly regulated. Devotional observance occupied a large part of his day.<sup>89</sup> Rising between 5am and 5.30am Winram joined other members of the college in hearing the Mass and reading both devotional exercises and the morning office before breakfast.<sup>90</sup> At breakfast, as at every meal, he would listen as Scripture readings, or some other moral or historical matter, were read aloud.<sup>91</sup> Further lessons followed at 7am, read by either the principal or by one of the regents of the college.<sup>92</sup> At 3pm Vespers were said, taking care to avoid vanity, impertinence or “cutting ...[the]... words”.<sup>93</sup> Finally, at 7pm the college gathered once more to sing the Salve.<sup>94</sup> On Sunday a Dirge of nine lessons was sung.<sup>95</sup> Each month, and on specified holy days, Winram joined the other college members in making his confession and receiving the Eucharist.<sup>96</sup>

As well as his devotional activities Winram spent much of his time studying. Lectures were held three times a day at 9am, 10am and 4pm.<sup>97</sup> Lessons, or

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<sup>88</sup> Herkless and Hannay, *St Leonard's*, 160.

<sup>89</sup> A useful table of college hours is given in Herkless and Hannay, *St Leonard's*, 211.

<sup>90</sup> Herkless and Hannay, *St Leonard's*, 161.

<sup>91</sup> Herkless and Hannay, *St Leonard's*, 165.

<sup>92</sup> Herkless and Hannay, *St Leonard's*, 163.

<sup>93</sup> Herkless and Hannay, *St Leonard's*, 162.

<sup>94</sup> Herkless and Hannay, *St Leonard's*, 162-163.

<sup>95</sup> Herkless and Hannay, *St Leonard's*, 163.

<sup>96</sup> Herkless and Hannay, *St Leonard's*, 163.

<sup>97</sup> Herkless and Hannay, *St Leonard's*, 211.



“Repetitions”, were held each day after supper.<sup>98</sup> Verse, rhetoric and grammar were taught thrice weekly after dinner, although not on a Saturday. Saturdays were left free for disputations at 2pm.<sup>99</sup> The 1512 foundation provided for a master and two regents “fitted to lecture and teach”.<sup>100</sup> Amongst the regents who probably instructed Winram were Gavin Logie who was subsequently credited by Knox and Calderwood with promoting reformed ideas within the college.<sup>101</sup>

Behaviour was closely monitored and discipline regularly exercised. “Rule”, believed to have been a form of inquisition and discipline by a regent over his class, was held twice each day, excepting Sundays, at 11am and 5pm.<sup>102</sup> Winram’s room was inspected each evening by either the principal or one of the regents.<sup>103</sup> The college itself was to be “scoured clean” each Saturday by teams of four students working a rota. Despite this apparent fastidiousness for cleanliness the attention to detail of the student cleaners was not what it might have been. Twice a year there was a special blitz on “spiders’ webs and other filth” clinging to the altars, canopies, windows and walls.<sup>104</sup>

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<sup>98</sup> Herkless and Hannay, *St Leonard’s*, 164.

<sup>99</sup> Herkless and Hannay, *St Leonard’s*, 163-164.

<sup>100</sup> Herkless and Hannay, *St Leonard’s*, 138-139. Later the number of regents was increased to four. Herkless and Hannay, *St Leonard’s*, 38, 169.

<sup>101</sup> See above, pages 32-33; Knox, *Works*, I, 36; Calderwood, *History*, I, 83; Herkless and Hannay, *St Leonard’s*, 53-54. Although Winram studied alongside many who would play prominent roles in the life of the nation in the following decades there is insufficient information to allow speculation about the composition or interactions of a reform-minded group studying at St Andrews. Notable contemporaries included John Douglas, who went on to become Archbishop of St Andrews, and Alexander Alan, who was forced to flee the country because of his heretical opinions. Near contemporaries, with whom Winram may have had contact, include David Beaton, the future Cardinal, and David Lindsay, the future satirist Sir David Lindsay of the Mount.

<sup>102</sup> Herkless and Hannay, *St Leonard’s*, 164.

<sup>103</sup> Herkless and Hannay, *St Leonard’s*, 166.

<sup>104</sup> Herkless and Hannay, *St Leonard’s*, 166.

An air of mystery and secrecy surrounding the activities of the college was actively encouraged. It was an offence for anyone to reveal "the secrets" of the college.<sup>105</sup> The rules which Winram and his fellow students had to follow were geared towards imitating a holy, or segregated, life. Students had to live in the college and their movements outside the gates were restricted. If permission was granted to them to enter the city they had to wear a gown and hood. Formal processions required the wearing of a surplice or "collobia" and the students were preceded by the hebdomader carrying a cross flanked by two juniors carrying candlesticks.<sup>106</sup> Although the *Statutes* allowed for a more relaxed weekly trip to the links for sports these activities were restricted to "honest games". More frequent sporting trips were "altogether discouraged".<sup>107</sup>

If Winram's academic achievements are any indication, he seems to have thrived in the regulated life of St Leonard's. He was a gifted scholar and his university career followed what was believed to be the "ideal" path. Unlike many students, Winram went on to complete all levels of his education.<sup>108</sup> He gained his Bachelor of Arts in 1515<sup>109</sup> and his Master of Arts previous to 1532, possibly as early as 1517.<sup>110</sup> Continuing in his studies, Winram completed his doctorate between 10

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<sup>105</sup> Herkless and Hannay, *St Leonard's*, 175.

<sup>106</sup> A Collobia was a gown without sleeves. Herkless and Hannay, *St Leonard's*, 167 and notes.

<sup>107</sup> Herkless and Hannay, *St Leonard's*, 168. Within the university as a whole, the playing of football seems to have caused particular disputes. *St A. Acta*, 380-381.

<sup>108</sup> It was not uncommon for students to leave on completion of their Bachelor of Arts degree.

<sup>109</sup> *StA Recs.*, 104, 211; *St A. Acta*, 316.

<sup>110</sup> Hewat, *Makers*, 170. Although 1532 is the earliest mention of Winram as a 'master of arts' it would be normal for him to have gained this qualification at the end of his fourth year of study. *Cant, University of St Andrews*, 15. The 1532 date reflects the paucity of records.

January and 2 March 1540/1.<sup>111</sup> On this occasion Cardinal David Beaton gifted him £20 to off-set the expenses incurred in the celebrations following his doctorate, the only such gift to any scholar which Beaton is known to have made.<sup>112</sup> Winram's academic progress bears testimony to his intellectual prowess. His abilities were also hailed, albeit obliquely, by Quentin Kennedy, Abbot of Crossraguel. Whilst decrying Winram as a "pestilent precheour" and one of the devil's scenting dogs, he nevertheless conceded that Winram was "wonderfullie learnit baith in the New Testament, Auld Testament, and mekle mair".<sup>113</sup>

### Winram the Academic?

Although it has been possible to outline Winram's student career, it is not possible to do the same for his teaching activities. Once he had completed his mastership he would have been required to undertake his *lectura*, two years of teaching as a regent master in the college, but no record of this survives.<sup>114</sup> As Winram's commitments outwith St Leonard's increased he would have been unable

<sup>111</sup> St A. Muniments, UY.305/2, fos 15, 17. Winram's subsequent designation as a Professor of Sacred Theology (STP - *Sanctae Theologiae Professor*) should not be confused with the modern understanding of promotion from his Doctorate. The term *Professor* was applied to all those who held a Doctorate. De Ridder-Symoens, *The University in Europe*, Vol. II, 210. For a description of the post-Reformation doctorate see Hannay, *Statutes*, 76-79.

<sup>112</sup> *St A. Rent.*, 107. This account was submitted on 11 April 1541 and has previously been taken to indicate that Winram took his doctorate in 1540. However Winram was in the habit of using new designations at the first opportunity. That he was recorded in the *Acta Rectorum* without his doctorate on 10 January 1540/1, and with it on 2 March 1540/1 fixes the period of his qualifying (St A. Muniments UY.305/2, fos 15, 17) This revised dating is in accord with the submitted account from the Cardinal's Chamberlain which would have covered the period to 25 March 1541, the first day of the old style new year. For details on the elaborate celebrations following successful examinations see Cant, *University of St Andrews*, 22-24.

<sup>113</sup> Knox, *Works*, VI, 157-165 at 165 and notes; 166-167 at 167; *DSCHT*, 456.

<sup>114</sup> Cant, *University of St Andrews*, 15 and notes; Hannay, *Statutes*, 19-21; Herkless and Hannay, *St Leonard's*, 40-41.

to undertake extensive or prolonged teaching duties. It is unlikely that he could have devoted the necessary time to teaching the daily “ordinary lectures”. Even the less frequent and more flexible programmes of “extraordinary lectures” may not have been feasible.<sup>115</sup> By the time Winram gained his doctorate he was subprior to an infant prior and effectively charged with the oversight of St Andrews’ priory himself. Even when his prior attained adulthood Winram still undertook the oversight of the priory, as well as much of his Lord James’ personal affairs. Later still, Winram was superintendent of Fife, spending much of his time travelling and supervising his district.

The need to be available at fixed hours and days for several months on end prevented Winram from regular teaching. Such a rigid commitment was not necessary for other university assignments. From at least 1535 Winram was appointed to numerous supervisory roles within the university.

## Winram the Overseer

### *As Subprior*

At times Winram’s oversight in St Leonard’s arose as a direct consequence of his position within the priory. Hepburn’s *Statutes* stipulated that the subprior of the abbey was to examine the competence and suitability of all those wishing to enter the college.<sup>116</sup> The subprior was also required to lead the thirdprior and a canon of the priory in an annual visitation of the “head and members, affairs spiritual and

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<sup>115</sup> De Ridder-Symoens, *The University in Europe*, I, 157-159; 231-233.

<sup>116</sup> Herkless and Hannay, *St Leonard’s*, 160.

temporal" of the college.<sup>117</sup> Records from four of Winram's visitations are preserved.<sup>118</sup> The matters dealt with ranged widely. Repeated attempts were made to provide a secure chest for the college's common seal, charters and valuables, and to establish formal procedures for the issuing of college keys.<sup>119</sup> Occasionally persistent breaches of discipline by individuals were addressed.<sup>120</sup> Common standards of dress, behaviour and speech (in Latin) were set down.<sup>121</sup> The quality and amount of food provided to the students also merited comment.<sup>122</sup> Even the plumbing was reported on. In 1544 new sewers were to be constructed and a "common seat" to be paid for by the college.<sup>123</sup> A year later the sewers were blocked and the "necessary seat" had yet to be purchased.<sup>124</sup>

It may have been Winram's proficiency at these visitations which encouraged successive rectors to appoint him to visit other colleges of the university,<sup>125</sup> in particular that of St Salvator's.<sup>126</sup> Winram was also appointed by parliament to carry

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<sup>117</sup> Herkless and Hannay, *St Leonard's*, 175.

<sup>118</sup> For the years 1544, 1545, 1550, 1551, St A. Muniments, SL155, 14-21. Printed in Herkless and Hannay, *St Leonard's*, 197-210. I am most grateful to Angus Morrison (New College) for providing translations of these acts of visitation.

<sup>119</sup> Herkless and Hannay, *St Leonard's*, 197, 199, 200, 202, 203.

<sup>120</sup> Herkless and Hannay, *St Leonard's*, 208, 209.

<sup>121</sup> Herkless and Hannay, *St Leonard's*, 198, 200, 201, 203, 204, 206-207.

<sup>122</sup> Herkless and Hannay, *St Leonard's*, 199, 202, 204. Perhaps the cook was becoming annoyed at repeated complaints over his standards. When, in 1545, he was ordered to provide rich broth to two students who had complained, specific instruction was made that the soup to be given without "violence of words or hands". Herkless and Hannay, *St Leonard's*, 202.

<sup>123</sup> Herkless and Hannay, *St Leonard's*, 199.

<sup>124</sup> Herkless and Hannay, *St Leonard's*, 200.

<sup>125</sup> 10 January 1537/8, St A. Muniments, UY305/2 fo 6.

<sup>126</sup> 10 January 1540/1; 5 (or 9) December 1551; 13 February 1562/3; 11 June 1577, St A. Muniments, UY305/2 fos 15, 42, 61, 92. No records from these visitations survive.

out visitations of St Andrews' university as a whole.<sup>127</sup> In 1574 he and Sir James Balfour of Pittendreich were instructed by Regent Morton to carry out a week long 'time and motion' study into the implementation of reforms suggested by parliament in June 1573 and report back.<sup>128</sup>

It seems likely that it was in his capacity as subprior that Winram affirmed the statutes of the college as revised in 1544.<sup>129</sup> In the same capacity he was, almost without fail, an auditor of the college accounts from at least 1550 (the earliest accounts available) until days before his death in 1582.<sup>130</sup> His actuarial skills may have encouraged the university to appoint him to examine the accounts of St Salvator's college.<sup>131</sup> Winram was again acting as subprior and *oeconomus* of the priory when, in 1570, he refused to acknowledge Patrick Adamson's appointment as principal of St Leonard's, ensuring the job went to James Wilkie instead.<sup>132</sup>

<sup>127</sup> 4 June 1562, APS, II, 544, when Winram was one of several men ordered to "cognosce visie and consider" the patrimony and rents of each of the colleges. 11 November 1579, APS, III, 178-182, when Winram was one of several authorised to execute "The New Foundation and Erection" of the colleges.

<sup>128</sup> 15 April 1574, St A. Muniments, UY305/2, fo 85. No record of this parliament is preserved in the printed acts. It is believed that Winram helped to write The *First Book of Discipline*'s section on "The Erection of the Universities", which would further indicate the widespread recognition of his knowledge of university life. FBD, 58-62, 137-155.

<sup>129</sup> Herkless and Hannay, *St Leonard's*, 157. Taken from the original in St A. Muniments, SL155, 7-11. The revised statutes are probably connected with the 1544 visitation. Herkless and Hannay, *St Leonard's*, 118.

<sup>130</sup> St A. Muniments, SL515, 9, 21, 35, 47, 57, 67, 78, 89, 99, 111, 123, 141, 147, 163, 173, 189, 203, 219, 231, 251, 267, 275, 286, 298, 311, 319, 329, 338, 344. The exceptions being 1561, 1564 and 1573. St A. Muniments, SL515, 133, 155, 259. In 1571 the names of the auditors were not recorded. St A. Muniments, SL515, 243.

<sup>131</sup> *St A. Acta*, 421. Winram was also given particular oversight of priory finances when he was serving as *oeconomus* in 1571. See above, pages 203-205.

<sup>132</sup> See above, pages 202-205.



*As Intrans, Deputy Rector and Assessor*

Not all of Winram's duties of oversight arose in consequence of his position within the priory. It was the mandate of others that ensured his prolonged and repeated election and admission as an intrans, a deputy rector, and as an assessor.

**Table 6: Winram's elections as Intrans, Deputy Rector and Assessor<sup>133</sup>**

Year of election <sup>134</sup>	Intrans	Deputy Rector	Assessor	Year of election	Intrans	Deputy Rector	Assessor
1535 <sup>135</sup>	✓ <sup>136</sup>	✓	✗ <sup>137</sup>	1559	☒	☒	☒
1536	☒ <sup>138</sup>	☒	☒	1560	☒	☒	☒
1537	✓	✗	✓	1561	☒	☒	☒
1538	✓	✓	✓	1562	☒	☒	☒
1539	☒	☒	✓	1563	✗	✓	✓
1540	✓	✗	✓	1564	✗	✓	✓
1541	✓	✓	✓	1565	☒	☒	☒
1542	✗	✓	✓	1566	✗	✓	✓
1543	✗	☒	✓	1567	✗	✓	✓
1544	✗	✓	✓	1568	✗	✓	✓
1545	✗	☒	✓	1569	✗	✗	✓
1546	✓	✓	✓	1570	✗	✗	✓
1547	☒	☒	☒	1571	✗	✗	✓
1548	☒	☒	☒	1572	✗	✓	✓
1549	☒	☒	☒	1573	✗	✓	✓
1550	☒	☒	☒	1574	✗	✗	✗
1551	✗	✓	✗	1575	✗	✓	✓✗ <sup>139</sup>
1552	✗	✓	✓	1576	✗	✓	✓
1553	☒	☒	☒	1577	✗	✓	✓
1554	☒	☒	☒	1578	✗	✓	✓
1555	☒	☒	☒	1579	☒	☒	☒
1556	☒	☒	☒	1580	✗	✓	✓
1557	☒	✓	✓	1581	✗	✓	✓
1558	☒	☒	☒ <sup>140</sup>	1582	✗	✓	✓

<sup>133</sup> Taken from *Acta Rectorum*: St A. Muniments, UY305 vols. 1&2.

<sup>134</sup> Elections were normally held in March.

<sup>135</sup> This is the first year in which Winram features in these elections.

<sup>136</sup> ✓ indicates Winram was appointed.

<sup>137</sup> ✗ indicates Winram was not appointed.

<sup>138</sup> ☒ indicates the names of those appointed are not recorded.

<sup>139</sup> Winram was originally recorded as being elected an assessor but his name crossed out. The relevant section of the entry runs "Mr John Winram, ~~superintendent~~ Strathearn Hamilton". St A. Muniments, UY305/2, 86.

<sup>140</sup> Although the *Acta Rectorum* contains no records of election for this year the *Acta Facultatis Artium* shows that Winram was an assessor this year. *St A. Acta*, 414.

### As Intranter and Deputy Rector

As one of four intranters Winram recorded the will of his nation, Lothian, in the university's annual rectorial elections.<sup>141</sup> Apart from an isolated instance in 1546 his repeated nomination as his nation's intranter ceased after he gained his doctorate.<sup>142</sup> Winram's election as a deputy rector and/or an assessor continued until his death - the only exception being 1574, when his position as dean of the faculty of theology would have occupied much of his time.<sup>143</sup> As one of several deputy rectors Winram was empowered to act for the elected rector when he himself was absent.<sup>144</sup> Despite his many years in this post Winram's only known actions as a deputy rector came in 1550 when he matriculated students in the absence of the rector, John Spittal.<sup>145</sup>

### As Assessor

More evidence survives from Winram's activities as one of the rector's assessors. On average eleven assessors were chosen each year - two or three from each of the four nations (Winram was usually one of three assessors from the Lothian

<sup>141</sup> Cant, *University of St Andrews*, 8. For a discussion of 'nations', intranters and rectorial elections see *St A. Recs.*, ix-xix.

<sup>142</sup> The turmoil generated by George Wishart's arrest and trial in St Andrews at the time of the 1546 elections (held on 27 February 1545/6) may account for the Lothian nation's return to their stalwart. *St A. Muniments*, UY305/2, 31-32.

<sup>143</sup> *St A. Muniments*, UY305/2, 85; *Evidence, Oral and Documentary*, III, 187-189 at 188. This is an incidental reference to Winram holding the office of dean. The earliest extant records from the Faculty of Theology date from the early seventeenth century. *St A. Recs.*, xli. Winram's repeated election to the posts of deputy rector and assessor was not unique or especially unusual.

<sup>144</sup> Anything between two and seven deputy rectors were elected each year between 1535 and 1582, but the average number was four.

<sup>145</sup> 11 May 1550, *St A. Muniments*, UY305/2, 39. Reprinted in *St A. Recs.*, 253. It is of interest that two of the three students whom he admitted were his kinsmen, James and George Winram. Their relationship to John Winram has not been determined. James was possibly Winram's nephew, the son of his brother Robert Winram of Ratho. See below, page 253, for family tree.

nation).<sup>146</sup> It was their job to assist the rector in his day-to-day duties and, when necessary, to constitute themselves as the rector's court.<sup>147</sup> Winram added a valuable practical dimension to his contribution as an assessor. He could offer the use of his substantial priory lodgings as a meeting house both for when the rector and his assessors met to "treat" upon the affairs of the university<sup>148</sup> and when they met to hear cases raised before the rector's court.<sup>149</sup>

The rector's court was concerned with the discipline of erring regents and masters.<sup>150</sup> For example, in 1567 James Martin, a regent of St Salvator's, was reprimanded for concealing a plot to assault another regent. On this occasion the court felt that the offence was not a sufficient cause to deprive Martin of his regentship, but that he should publicly seek the forgiveness of those concerned.<sup>151</sup>

The rector's court was also a court of appeal. When John Hamilton, a regent of the New College, tried to settle an argument with a student by resorting to blows and "to knyfis" over the supper table the matter was initially dealt with by the provost and masters of the college. They ruled that Hamilton should confess his offence and failure "publiclie in our tabill befoir meitt with haid discoverid".<sup>152</sup> The student was also to confess his offence in entering into the fracas, albeit he was the one offended, instead of referring the matter to the provost. The offended student, dissatisfied with

<sup>146</sup> The number of assessors for the years 1535 to 1582 ranged from 5 to 16.

<sup>147</sup> Cant, *University of St Andrews*, 8-9.

<sup>148</sup> Such as sanctioning payment of expenses to the rector (St A. Muniments UY305/2 fo 71) or introducing additional rules and regulations (St A. Muniments UY305/2 fo 79).

<sup>149</sup> 4 July 1577, St A. Muniments UY305/2 fo 92; [-] July 1579, St A. Muniments SS110.AH1.3. Although this was not the only venue for such meetings.

<sup>150</sup> The misdemeanours of students were dealt with by their own particular colleges.

<sup>151</sup> 18 February 1566/7, St A. Muniments, UY305/2 fo 71.

<sup>152</sup> 8 February 1569/70, St A. Muniments, UY305/2 fos 75-76.

this ruling, appealed to the rector and his assessors. He won. The rector's court ruled that Hamilton was to comply with the original sentence, to confess to an additional fault of discussing the recent slaughter of Regent Moray, and, in a ritual recognition of the severity of his offence, to surrender his sheathed sword, the mark of his status as a gentleman, to the rector. The court did not uphold the provost's sentence against the student.<sup>153</sup>

The appeal against the New College's decision was carried in the rector's court by a majority, rather than a unanimous, vote. At times, disagreements within the court over a determination could be even more severe and lead to open dissension. In 1571 the court decided to expel John Arthur, regent of the New College, for organising and leading an armed night-time attack (complete with look-outs placed on the stairway) on a fellow regent who had offended him.<sup>154</sup> John Winram and his cousin James Wilkie dissented from the sentence of the court. Opposing the expulsion, Winram and Wilkie signed the decret and final sentence with the rider "to the premissis except ye expulsion".<sup>155</sup>

The reasons for Winram's and Wilkie's objection to expulsion as punishment for a violent and calculated attack are not given. Armed attacks were not uncommon and the two cousins' objections may have been that expulsion was not clearly defined as the punishment for such an offence.<sup>156</sup> To clarify the matter the rector and his

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<sup>153</sup> 16 February 1569/70, St A. Muniments, UY305/2 fo 76.

<sup>154</sup> The expulsion was the culmination of several acts of repentance ordered by the court (against Arthur, his accomplices, and his victim, who was not entirely blameless).

<sup>155</sup> 2 February 1570/71, St A. Muniments, UY305/2 fos 77-79.

<sup>156</sup> During his visitation of St Leonard's College in 1545, Winram had clearly stipulated that anyone within St Leonard's who struck a colleague with a sword or a knife would be expelled. Herkless and Hannay, *St Leonard's*, 201. Another favourite weapon was a "knuckle-duster" improvised by striking a victim while holding a key. For example, St A. Muniments, UY305/2 fos 77-79 at 78; St A. Muniments, SS110.AH1.3.

assessors met the day after John Arthur's expulsion to determine the future response of the university to such violent attacks. To this end two new statutes were enacted. The first ordered all weapons, swords and knives (except those used to eat meat) to be surrendered immediately to the principals of each college.<sup>157</sup> The second clarified the punishment for all future armed attacks:

quhensowewer ony regent of ony college invadis ane vther regent or member of the college with naiff baltoun staff or knyff and convict yairintill salbe simpliciter remowit and expellit furth of the said college and depyvit of all office and dewtye quhilk he has yairintill without ony reconciliatioun.<sup>158</sup>

With the punishment now clearly stated in the university's statutes a cause for dissension was removed. Certainly, when David Bailie, regent of the New College, was deprived of his regentship in 1579 for assaulting John Rutherford, third master of St Salvator's, Winram signed the decret recording the sentence with no reservations.<sup>159</sup>

Bailie and Rutherford had fallen out and had been confined to their respective colleges until the unspecified matter was resolved. However, it was claimed that Rutherford and his friends ("nocht scholaris"), with drawn swords, had crept out from the kirk-yard to challenge Bailie as he stood within his college gate to gather his supporters to do battle outside the college grounds. Bailie accepted and a "gryt tummult" was raised in the town, culminating in the ringing of the common bell to the consternation of the inhabitants. The next day Bailie lay in wait for Rutherford to parade from a meeting with the rector and his assessors held in Winram's chamber.

<sup>157</sup> A similar ruling had already been made in St Leonard's in 1545. Herkless and Hannay, *St Leonard's*, 201.

<sup>158</sup> 3 February 1570/71, St A. Muniments, UY305/2 fo 79.

<sup>159</sup> St A. Muniments SS110.AH1.3.

As his adversary passed, Bailie, his fist folded with “ane grytt key yairin”, struck him upon the face, drawing blood. When the matter came before the rector’s court Bailie was convicted. He was ordered to appear in Winram’s chamber, before the rector, superintendent and masters of the university. Having there confessed his fault he was to be removed and barred from the college for ever. Rutherford was found innocent.<sup>160</sup>

Over the years Winram was heavily involved in numerous types of oversight: the priory, the university, the rector’s court, individual matters of arbitration as well as his own superintendent’s court. Even after he had relinquished his role as superintendent of Fife his seniority, competence and experience commanded respect. In 1578, when aged c.86, Winram was one of four men chosen by the rector, James Wilkie, to settle a protracted dispute within the New College. For at least two years the college, under the leadership of its provost, Robert Hamilton, had been disputing and obstructing the appointment of William Walwood as third master of the New College.<sup>161</sup> Having failed to get the provost to respond to the demands of the Privy Council to admit him, Walwood sought redress from the university rector. Wilkie ruled in Walwood’s favour and the rector attempted to enter the New College to designate a room to the third master. However Robert Hamilton barred the gates. To

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<sup>160</sup> St A. Muniments SS110.AH1.3. Some disputes involving masters and regents did not necessitate disciplinary action or were not appropriate to be brought before the court. For example, disputes over assedations, appointments and rents. (3 August 1544, St A. Muniments SS'B' fos 112v-113r; 23 March 1576/7, 19 October 1578, SRO NP1/35 fos 34v, 60v). Nevertheless, a settlement was required and at times Winram was especially chosen as one of the arbitrators or “amicable compositors” to rule on the matter.

<sup>161</sup> *RPC*, II, 542-543, 561-563. Robert Hamilton was also minister of the parish church.



settle the impasse, the rector referred the matter to four honourable persons for their judgement, one of whom was the elderly, but not decrepit, John Winram.<sup>162</sup>

These men ruled in favour of Wilkie, and thus of Walwood. To put their decision into effect Winram and his three co-arbitrators accompanied the rector in marching to the gates of the New College. Once more the gates were locked but the group stood their ground, demanding an apology for the offence done to them in barring the gates. They commanded Robert Hamilton to open the gates and all other doors of the college that they might enter and designate a room to Walwood. This time, the contrite Hamilton obeyed. The rector and his company entered the college and, deciding upon a suitable room for Walwood, ordered its lock to be “straik of” in their presence to prevent any future barring. After years of wrangling Walwood finally took up his appointment as third master of the New College.<sup>163</sup>

### Winram's Legacy to St Leonard's College

St Leonard's College benefited from Winram's years of participation in its activities. It also benefited from more personal legacies. Unlike some, Winram did not donate his books to his old college which, by 1578, had already been “lent furth to sundrie personeis” and upon his death were given to his nephew, John Winram younger.<sup>164</sup> Yet Winram's benefactions were every bit as practical and valuable.

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<sup>162</sup> The others being Patrick Adamson, archbishop of St Andrews; James Martin, provost of St Salvator's College and Patrick Auchinleck, chantor of Murray. SRO NP1/35 fos 56r-57r. Martin and Auchinleck were fellow assessors with Winram. The archbishop may have been selected in his capacity as superintendent of the area.

<sup>163</sup> SRO NP1/35, fos 56r-57r.

<sup>164</sup> Herkless and Hannay, *St Leonard's*, 28-29; 28 September 1578, SRO NP1/35 fos 57r-58r; SRO CC8/8/11, fos 254v-257v.

During his term as superintendent he took advantage of a General Assembly ruling that vacant chaplainries were to be “disponit to the colledges, or to the pure”.<sup>165</sup> More than any other superintendent or commissioner, Winram exploited this ruling to ensure that moneys from suitable chaplainries went to St Leonard’s College.<sup>166</sup> In 1578, as a personal gift, he assigned an annual rent of 40s which he owned to the regents of St Leonard’s.<sup>167</sup>

Without doubt the greatest donation which Winram made to the college was that of St Serf’s Inch.<sup>168</sup> While reserving the liferent to himself, Winram granted all the fruits, rents, teinds and profits pertaining to the priory, its kirk lands and buildings, and fishing rights to the college.<sup>169</sup> Within a month of Winram’s death James Wilkie, principal of the college (and rector of the university) travelled to Kirkness to take possession of Winram’s old manor house.<sup>170</sup> By the end of November 1582, Wilkie and his regents had secured a decret from the Privy Council charging all feuers, tenants, renters or parishoners connected with the priory and benefice of St Serf’s to pay their dues to the college chamberlains.<sup>171</sup> With the income from Winram’s legacy the college funded two bursaries.<sup>172</sup>

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<sup>165</sup> 5 July 1569, *BUK*, I, 155.

<sup>166</sup> See above, page 156 and notes.

<sup>167</sup> 23 December 1578, SRO NP1/35, fos 68r+v.

<sup>168</sup> See above, page 205.

<sup>169</sup> NLS Adv. 17.1.3 new fos 299r+v; SRO NP1/26, fos 101r-103v; SRO CH4/1/2, fos 38v-39r.

<sup>170</sup> 15 October 1582, SRO NP1/35, fos 138v-139r (also in St A. Muniments SL110.H2). The manor house was then occupied by William Cowper, vicar pensioner of Portmoak.

<sup>171</sup> 28 November 1582, St A. Muniments SL110.H3.

<sup>172</sup> Increasing their numbers from ten to twelve. St A. Muniments UY152/3, fos 94r+v.

## Chapter 6

### Friends and Family

#### I

#### *Personal Relationships*

In examining John Winram's life the events so far recounted have largely been those of the public man. When considering his personal life it is perhaps not surprising that the private face which emerges largely reflects his known public practice. In Winram's friendships with Lord James Stewart, his wife, Annas Keith, and with John Knox business was always mixed with pleasure. The business sides have left a greater trace and show that Winram conducted these personal relationships with great care. His behaviour was always well thought out and precise. When necessary, he backed his actions with legal or documentary support. Such a clinical approach did not result in bland relationships. On the contrary, Winram's friendship was highly valued - both for his acumen and for his loyalty. Winram's most enduring relationship was that with his prior.

#### Lord James Stewart

John Winram was almost forty years older than Lord James. When the future Regent was admitted as commendator prior of St Andrews in 1538 the seven-year-old benefited from Winram's skills both in organising the priory's affairs and in handling many of his personal concerns. Winram played a role in the negotiations over Lord James' betrothal, in January 1549/50, to Christina Stewart, only child of



**Figure 4: Lord James Stewart**

John Stewart, master of Buchan.<sup>1</sup> The orphaned three-year-old had been placed into the care of Lord James' mother, Margaret Erskine. Shortly thereafter, a marriage contract between the child and the nineteen-year-old Lord James was drawn up.<sup>2</sup> The benefits to Lord James of this marriage were doubtful since, at the time of the contract, a process of bastardy - which if successful would deprive Christina of her

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<sup>1</sup> *Scots Peerage*, II, 269-270.

<sup>2</sup> Lord James although commendator prior of St Andrews had never taken clerical orders and thus was eligible to marry. G. Chalmers assertion that Lord James was "induced, by love, to court the Countess of Buchan..." is nonsense given their ages. Chalmers, *Life of Mary*, 130.

inheritance - was being pursued by her grandfather.<sup>3</sup> However, unrecorded negotiations between the child's uncle, James Stewart, Master of Buchan, and Lord James to resolve the matter were completed in August 1550. John Winram was present to see the process of bastardy renounced, the marriage contract ratified, and the young Christina served as heir to her father. At the same time it was agreed that upon the death of her grandfather Christina would inherit the entire earldom of Buchan.<sup>4</sup> Under the terms of the marriage contract, the lands which Christina were to inherit now passed into the possession of Lord James. The person whom he entrusted to keep the relevant charters concerning his newly acquired lands was John Winram. Inventories of documents relating to the earldom of Buchan "in the Superintendentis handis" run to several pages and reveal the extent to which the subprior was utilised as Lord James' record keeper.<sup>5</sup>

It was just as well the prior placed his documents with a trustworthy custodian. In February 1561/2, when Lord James followed his "hartis inclination" and married Annas Keith, daughter of William, earl Marischal, Lord James' mother wasted no time in negotiating to keep the benefits of a marriage to the Countess within her family.<sup>6</sup> The Countess of Buchan's lands may have been assigned to Lord James, but there was still much to be gained by whoever married her, not least her

<sup>3</sup> 12 September 1546, NRA(S) 217 Box 2, no. 34; 9 October 1548, NRA(S) 217 Box 2, no. 20; [?October 1548], NRA(S) 217 Box 2, no. 17.

<sup>4</sup> 3 August 1550, NRA(S) 217 Box 2, no. 35.

<sup>5</sup> 1 February 1569/70, NRA(S) 217 Box 2, no. 130; 3 June 1570, NRA(S) 217 Box 15, no. 276 - the documents in this inventory, kept in the superintendent's house, are recorded as being "in tua canvess poikis knett hard togidder" and "in ane canvess poik"; 2 April 1575, NRA(S) 217 Box 15, no. 545. In May 1573 Winram was noted as having "tua coffeiris with writtingis and evidentis" belonging to the late regent Moray, 23 May 1573, SRO CS7/51, new fos 37r+v.

<sup>6</sup> 9 October 1562, Lord James Stewart to Margaret Erskine, NLS MS76, fo 31, printed in *Reg. Hon. de Morton*, I, 9-10.

title.<sup>7</sup> The marriage between the Countess and Lord James' maternal half-brother Robert was soon completed.<sup>8</sup> Through this marriage Robert became both earl of Buchan and Sheriff of Banff.<sup>9</sup>

Margaret might have been pleased at this coup for her household but her attempts to manipulate events soon caused her to fall foul of Lord James. Seeing him happily married with a good income, Margaret suggested that, for the benefit of the Douglas family, he "should be glad" to pass the Buchan estates on to his half-brother Robert, now earl of Buchan. Lord James thought otherwise. In fact, he was livid. In a furious letter to his mother he demanded she remember his generosity to her and her family: "I call your conscience to record yff I hayf bene ane unproffitable forster to that house or not". For his mother to have even suggested such a course of action showed her scant regard for either his well-being or his honour.<sup>10</sup> Lord James refused to accede to his mother's request, but that was not the end of the matter. Robert continued to nurse his hope of securing to himself the assets of Buchan. Immediately after Lord James' assassination he saw his chance.

With Lord James dead, Robert Douglas pursued John Winram for the documents relating to the lands of Buchan. No doubt conscious of his prior's earlier opposition to such a development, and concerned for the welfare of Lord James' widow and children, Winram withheld them. Writing to Annas in April 1570 he counselled that it would be safest for all of Lord James' documents to remain in his

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<sup>7</sup> Christina had succeeded her grandfather to the earldom in 1551. *Scots Peerage*, II, 268; *Complete Peerage*, II, 379-380.

<sup>8</sup> They were married on 6 October 1562.

<sup>9</sup> *Scots Peerage*, II, 269.

<sup>10</sup> 9 October 1562, Lord James Stewart to Margaret Erskine, NLS MS76, fo 31, printed in *Reg. Hon. de Morton*, I, 9-10.



keeping, for then they “salbe als weill kepit now as quhen my Lord (quha restis wyth God) was onlyiff”. Although Robert had been “erneslie saitand” for the documents of Buchan Winram refused all access until “newtrall men see and consent yat all thyngis be justlie done as afferis”.<sup>11</sup> Making no progress with the subprior, Robert began discussions with Annas over “thinges” between them.<sup>12</sup> In May 1573 Winram was ordered by the Privy Council to deliver two chests containing Lord James’ documents to be considered by them in the light of Robert Douglas’ claim on the Buchan lands.<sup>13</sup> That in 1575 the subprior still had custody of the Buchan documents, and was handing some over to Annas, indicates that she, and not Robert, retained the lands.<sup>14</sup> Winram’s conscientious discharge of his custodial duties had protected Lord James’ lands in Buchan and ensured that they remained with his own heirs.

The confidence which Lord James placed in his subprior was immense. Their personal friendship was founded on a working relationship, not subject to complex familial, or vacillating political allegiances.<sup>15</sup> Free from concerns over ulterior motives, the relative simplicity of the relationship was its greatest strength. During

<sup>11</sup> In a final stern word of caution he advised Annas not to handle the debts of, or be executor to, the estate of her late husband as the many creditors seeking payment would pursue her relentlessly if she were named as executor. 22 April 1570, John Winram to Annas Keith, NRA(S) 217 Box 15, no. 52.

<sup>12</sup> 3 July 1570, Annas Keith to the Earl of Mar, NRA(S) 217 Box 43, no. 121; 12 October 1570, Master of Marschal to Annas Keith, NRA(S) 217 Box 15, no. 298; 21 May 1571, Robert Douglas to Annas Keith, NRA(S) 217 Box 15 no. 1767; 7 June 1572, Robert Flescher to Annas Keith, NRA(S) 217 Box 15, no. 163; 26 March 1570, Annas Keith to William Douglas, NLS MS73 fo 23, printed in *Reg. Hon. De Morton*, I, 51; 4 April 1570, Mr John Wood to Annas Keith, HMC, 6th Report, 651-652.

<sup>13</sup> 23 May 1573, SRO CS7/51, new fos 37r+v.

<sup>14</sup> 2 April 1575, NRA(S) 217 Box 15, no. 545.

<sup>15</sup> That Winram was one of those given licence to pass to France with Lord James in 1550 may be as much an indication of Lord James’ dependence on him as a guide and mentor as of Winram’s own standing as subprior of St Andrews, RSS, 4/879 (See Pamela Ritchie’s forthcoming PhD thesis (St Andrews’ University) on Mary of Guise. I am grateful to Ms Ritchie for her helpful discussions on 1550 expedition to France).

his frequent absences from St Andrews Lord James trusted his subprior to oversee and safeguard the priory's affairs, as well as its seals and charter books.<sup>16</sup> In April 1567 Lord James was almost giddy with excitement when he wrote to his "traist friend" asking Winram to hurry the seals of the priories of St Andrews and Pittenweem to Edinburgh as the Queen had consented to grant to the prior the heritable rights to priory lands. The letter was as much concerned with sharing the good news with his friend as about arranging for Winram to deliver the seals in person. Lord James concluded the letter "your assured friend".<sup>17</sup>

### Annas Keith

Lord James passed on his close relationship with his subprior to his wife, Annas. Winram was undoubtedly an extremely close and valued friend to her, particularly after Lord James' assassination. He was especially used by Annas in matters concerning her late husband's business affairs. As well as the Buchan

<sup>16</sup> 9 April 1567, *HMC*, 6th Report, 642-643; 13 July 1566, SRO NP1/26, fo 34r. See above pages 52-53 and notes. Winram continued to hold many priory and other ecclesiastical records after Lord James' death. For example in 1581 he was described as "the keipar of ye auld registrars buiks of Sanctandros" and also held the "auld taxation buik of ye beneficeis of ye ecclesiasticall men within ye diocie of Sanctandros and deinrie of ye Meirnes", 16 January 1580/1, SRO NP1/35, fo 100r. In 1575, as "havar of ye register buik of ye priorie", he faced imprisonment after George Douglas, maternal half-brother to Lord James, accused the him of having "removit and destroyit" from the said book the record of a pension of 1000 marks granted to George Douglas by Lord James in 1566 (9, 23 and 25 March 1574/5, 3 March 1575/6, SRO CS15/14, "Bishop of Caithness v's Douglas, 1574", no bundle numbers). This charge was false and the pension can still be seen in the register book (2 September 1566, NLS Adv. 17.1.3 new fo 133r, also a copy in Edinburgh University, Laing Collection 809 [Box 18, 607]). Lord James' granting of this substantial pension to George Douglas, soon after Douglas' suspected involvement in the murder of David Rizzio (9 March 1565/6) is suspicious. The members of the priory had considerable difficulty in honouring it and George sought its ratification on several occasions. 1 February 1566/7, SRO CC20/11/1, fos 68r-69r; 23 March 1574/5, SRO CS15/14, no bundle numbers; 1584, SRO GD45/16/2712 (notorial copy in Edinburgh University, Laing Collection 1082 [Box 38, 1455]); 1590, SRO GD45/16/2715. See too 7 June 1572, Robert Flescher to Annas Keith, NRA(S) 217 Box 15, no. 163.

<sup>17</sup> 9 April 1567, Lord James Stewart to John Winram, *HMC*, 6th Report, 642-643.

charters, Winram retained many, if not most, of Lord James' documents and advised Annas where her husband had sent others.<sup>18</sup>



**Figure 5: Annas Keith**

Winram's knowledge of Lord James' business affairs was second to none, and could never be replaced. As late as March 1581/2, Annas still depended on Winram's memory when deciding upon the validity of obligations claimed against her late husband.<sup>19</sup> Winram was only too well aware of the value of the information that would die with him. Wearied by old age he informed Annas:

<sup>18</sup> 3 July 1570, Annas Keith to William Douglas of Lochleven, NLS MS73, fo 24, printed in *Reg. Hon. De Morton*, I, 58.

<sup>19</sup> 4 March 1581/2, John Winram to Annas Keith, NRA(S) 217 Box 15 no. 1361.

I am bayth auld and seiklie and wat not quhat day it sall pleis God to tak me to hym selff. And quhen I am away ze will find few or nane that can informe zour Ladyship of sic proffeit as may accure to zour Ladyship's bairnis as I can.<sup>20</sup>

On occasions he would oversee financial dealings in St Andrews on Annas' behalf.<sup>21</sup> Of equal value, he was thought to hold some sway over the new prior and surviving brethren of the priory. Annas could, and did, utilise this influence to negotiate on her behalf. During a lengthy struggle to renew her tack for the teinds of Egglisgreg, a church appropriated to the priory, Annas petitioned Winram that if the prior finally consented to grant the tack that he himself would cause the rest of the brethren to do likewise.<sup>22</sup> Anxious to obtain her lease Annas soon wrote again beseeching the subprior "ernestle to travail" in her cause.<sup>23</sup> She also utilised Winram's many contacts to obtain intelligence on the actions of others. Annas' man of business, Robert Flescher, would inform her of his lengthy discussions with the superintendent and, on occasions, the documents and contracts which Winram had shown him.<sup>24</sup>

Like her husband before her Annas recognised that Winram was less able to offer her physical protection than he was able to offer her advice and personal support. Without the necessary network of supporters Winram could give little

<sup>20</sup> 4 March 1581/2, John Winram to Annas Keith, NRA (S) 217 Box 15 no. 1361.

<sup>21</sup> 4 June 1570, NRA(S) 217 Box 2 no. 127. Annas and her daughters were rarely in St Andrews personally to oversee their continuing interests and assets associated with the priory. Lord James' heirs retained many of the fruits of the priory. Annas, and her eldest daughter when she became of age, found it necessary constantly to hound the priory chamberlain, David Orme, to submit his accounts, on at least one occasion, in 1580, resorting to a royal summons demanding submission. NRA(S) 217 Box 15 nos 125, 697, 1214, 1256, 1284, 1354, 1365, 1771, 1926.

<sup>22</sup> 6 January 1579/80, Annas Keith to John Winram, NRA (S) 217 Box 15 no. 1167.

<sup>23</sup> 17 January 1579/80, Annas Keith to John Winram, NRA(S) 217 Box 43 no. 179. For other letters concerning Egglisgreg see NRA(S) Box 15 nos 158, 920, 924.

<sup>24</sup> 7 June 1572, Robert Flescher to Annas Keith, NRA(S) 217 Box 15 no. 163; 4 July 1570, Robert Flescher to Annas Keith, NRA(S) 217 Box 15 no. 158.

practical aid to Annas and her daughters. Annas' first realisation that Winram could not offer physical protection probably came in 1565 when, while pregnant with Elizabeth, she was stranded in Fife after her husband had been forced into exile in England for opposing the Queen's marriage to Henry, Lord Darnley. Lord James made plans to conduct his pregnant wife from Fife to the relative safety of Berwick. These plans did not involve Winram who remained in St Andrews to protect his prior's interests and assets during Lord James' absence.<sup>25</sup> Instead, Francis Russell, 2nd Earl of Bedford, hired the pirate, Charles Wilson, to transport Annas and her entourage from Fife. Despite possessing the Earl's personal letter of protection, Wilson was arrested for piracy before he could complete his task. Unaware of Wilson's fate Annas waited forlornly for his ship to rescue her. As Bedford informed the Privy Council:

the good lady having been above five sundry times at the Fife side with her train, awaiting for her passage, sometimes eight days together, not lying one night where she lay another and riding in that case so near her childing, above six score miles to and fro, having most of her stuff, as plate and other things, with her, which whether the same be lost or not is not yet known, ... and thus waiting for her passage, was after so great travail and troubles in the end dissappointed.<sup>26</sup>

The next period of crisis for Annas when she and her belongings were in physical danger came in 1570 after Lord James' assassination. She quickly left St Andrews for the safety of her father's residence at Dunnottar, declining an offer of hospitality from her brother-in-law, William Douglas of Lochleven.<sup>27</sup> Nevertheless it

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<sup>25</sup> See above, pages 198-201.

<sup>26</sup> 12 November 1565, Bedford to the Privy Council, *CSP Foreign*, Vol. 7, no. 1668.

<sup>27</sup> 5 February 1569/70, Annas Keith to William Douglas, *Reg. Hon. De Morton*, I, 45-46. The great effort made by Lord James' maternal family to have Annas stay in Lochleven was almost certainly with a view to securing influence over her, her unborn child - which would hopefully be a son - and access to the material wealth she would inherit from her dead husband (as well as a redistribution of



was to him that she turned when she required physical force to protect her interests in Fife. Her goods had been removed from her residence in St Andrews' priory and placed on board a ship for transportation to Dunnottar, but before the ship could sail the goods were seized to be off-set against her late husband's outstanding debts.<sup>28</sup> Negotiations for the release of Annas' "gentilvemenis geir and ornamentis" required more practical means of persuasion than those available to the elderly superintendent.<sup>29</sup> Thus it was from William Douglas and not John Winram that Annas sought aid to end the whole "vnpleasand busynes".<sup>30</sup>

Following her plea to him, William had Annas' belongings removed from the ship and placed in the priory garderobe where an inspection and inventory revealed that the lock on her principal "coffer" had been broken, possibly during a search for hidden cash and jewels.<sup>31</sup> Although resident within the priory, Winram was unable to secure the release of Annas' possessions from the garderobe and her goods remained

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the Buchan lands -see above, pages 234-236). When Annas was delivered of a daughter her mother-in-law wrote a letter of congratulations at the birth, commiserations at it not being a son, and pleadings that Annas would not alienate her children towards the Douglasses of Lochleven. 16 April 1570, Margaret Erskine to Annas Keith, NRA(S) 217 Box 15 no. 352:

Madam aftir my hartly commendationis. Pleiss zour Ladyship I rasavit zour Ladyship's letter yis Saturday at ewin maikand mension zour Ladyship is deliverit of ane dawchtir quhilk is welcum as plaiissis God bot I haid radir it haid beyn ane laid bot we man byd at ye contentment of God as His plesour is bot ye lassis may be sua handyt yair may als mekyll gud cum of yaim as of laddis.... Zour Ladyship hes red ye Bibill oftir nor I haiff. Zour Ladyship sall remembir on ye buik of Ruith quhair ye mothir in low comfortis hir douchter and prayis to God to send her children for zour Ladyship's berins salbe als welcum to me yai beand gottyn wp lauchtfullye sua yai beand nocht my sonnis inneme.

<sup>28</sup> 23 February 1569/70, Alan Watson to Annas Keith, NRA(S) 217 Box 43 no. 104.

<sup>29</sup> 26 March 1570, Annas Keith to William Douglas, NLS MS73 fo 23, printed in *Reg. Hon. De Morton*, I, 51-52.

<sup>30</sup> 26 March 1570, Annas Keith to William Douglas, NLS MS73 fo 23, printed in *Reg. Hon. De Morton*, I, 51-52.

<sup>31</sup> 26 March 1570, Annas Keith to William Douglas, NLS MS73 fo 23, printed in *Reg. Hon. De Morton*, I, 51-52; 4 April 1570, Mr John Wood to Annas Keith, *HMC*, 6th Report, 651-652. Annas' retention of many of Queen Mary's jewels, and efforts to have them returned were a constant source of concern for future regents of Scotland. Professor Bruce Lenman hopes to explore this topic.



in Fife for some time. By July she feared her belongings would be all but destroyed because of poor storage and lack of proper maintenance.<sup>32</sup> Winram could not even ensure their security from theft during storage. In September 1570 a servant was caught trying to steal tapestries and beds stored in the priory garderobe claiming he was taking them in lieu of wages owed to him by Lord James.<sup>33</sup>

### *Craigtown and Lumbo*

Annas' and Winram's friendship was very strong. When she addressed him as "my father" it was not, as Gordon Donaldson has implied, a recognition of Episcopal authority.<sup>34</sup> Rather it was a tender acknowledgement of his paternal care for her - "I haiff evir found zow ane fathir wnto me and my bernis". Annas would often sign her letters "zour dochtar" and send gifts of whisky with them.<sup>35</sup> Winram also recognised the warmth of their relationship, describing himself as "zour ladyships awin auld gude friend".<sup>36</sup> The strength of their friendship ensured that it was not undermined by Annas' determined, but ultimately futile, attempt to wrest from Winram the lands of Craigtown and Lumbo, which he had been granted by Lord James and the priory in 1567. Although by the time Annas began her pursuit of these lands she had married

<sup>32</sup> 3 July [1570], Annas Keith to William Douglas, NLS MS73 fo 24, printed in *Reg. Hon. de Morton*, I, 58.

<sup>33</sup> 15 September 1570, SRO NP1/26, last folio verso, no folio number.

<sup>34</sup> Donaldson, *Scottish Reformation*, 126. The text of the letter cited makes the context of Annas' term of address quite clear.

<sup>35</sup> 17 January 1579/80, Annas Keith to John Winram, NRA(S) 217 Box 43 no. 179. See too 6 January 1579/80, Annas Keith to John Winram, NRA(S) 217 Box 15 no. 1167, "I haiff found zow ane gud fathir and freynd to me I doubt nocht bot ze vill continew in ye saime". 17 February 1579/80, Annas Keith to Robert Flescher, NRA(S) 217 Box 15 no. 125.

<sup>36</sup> 4 March 1581/2, John Winram to Annas Keith, NRA(S) 217 Box 15 no. 1361.

Colin Campbell, 6th Earl of Argyll, it is likely that she, and not her husband, was the prime motivator.<sup>37</sup>

John Winram, his heirs and successors, had obtained the lands of Craigtown and Lumbo from the priory by an act of sasine in February 1566/7.<sup>38</sup> In 1572 he resigned his sole ownership in favour of joint ownership between himself, his wife and his cousin Robert Winram, Collector of Fife.<sup>39</sup> Robert Winram's interest in the lands was subsequently transferred to the superintendent's nephew, John Winram younger.<sup>40</sup> By 1577 the Winram family's interest in the lands had stabilised, with John Winram elder as usufruct, and his nephew, John Winram younger, serving as feuar.<sup>41</sup> But this settled situation did not last.

In February 1580/1 an instrument of premonition for redemption of the lands was issued in the name of Elizabeth and Margaret Stewart, surviving daughters of Annas and Lord James, claiming the lands of Craigtown and Lumbo had been granted to the superintendent only in terms of a reversion.<sup>42</sup> Winram was to appear in the parish church of Holy Trinity the following Whitsunday, 13 May, to receive payment of the redemption money and surrender the lands. When the day came

<sup>37</sup> Contract 6 January 1571/2, *Argyll Transcripts*, VI, 168 (I am grateful to Dr Jane Dawson for this reference); banns read at Dunnottar 13 January 1571/2, NRA(S) 217 Box 15, no. 344. Colin was not the decisive politician that his brother, Archibald 5th Earl of Argyll, had been. (See Jane Dawson's forthcoming biography on the 5th Earl). That Annas was the major partner in the marriage was testified to by a contemporary who described Colin as "religious, and of good nature, but weak in iudgement, and overmuche ledd by his wyef". Rogers, *Estimate*, 35.

<sup>38</sup> 25 February 1566/7, NLS Adv. 17.1.3 new fo 368v; 1 March 1566/7, SRO NP1/26 fos 47v-48r.

<sup>39</sup> 16 April 1572, SRO NP1/26 fo 121v. See below, page 253, for family tree.

<sup>40</sup> SRO NP1/26 fos 129v-130r. In a 'belt and braces' move following Robert Winram's death John Winram ensured that Robert's brother and executor, George Winram beside the Dene, renounced all past and future claims on the lands and surrendered to Winram all paperwork concerning them which he had obtained from his brother. 18 November 1577, SRO NP1/35 fo 40r.

<sup>41</sup> 18 November 1577, SRO NP1/35 fo 40r.

<sup>42</sup> 21 February 1580/1, NRA(S) 217 Box 15 no. 1329.

Winram, appearing under protest, ensured that all proceedings were carefully recorded by a notary.<sup>43</sup> Annas' man of business, Robert Flescher, as procurator for Elizabeth and Margaret, presented Winram with numerous documents in support of the claim that the lands had been given to the superintendent as a reversion, and that the proper procedure for their redemption had been followed. He then offered the superintendent the redemption price, asking him to accept the same and surrender all documents and charters relating to the lands. Winram refused.<sup>44</sup>

Revealing a glimpse of his remarkable eye for detail and desire for precision in legal procedure, the near ninety-year-old proceeded systematically to refute the validity of the documents produced by Flescher: the order of warning was deficient in its seals; the extract of the act of curatorship for Elizabeth was invalid as it had not been signed by the clerk of court where it had been made; the warning, made in the name of both Elizabeth and Margaret, then a minor aged about 12, did not contain sufficient authorisation from Margaret's tutor; Winram himself was only the usufruct of the lands, but the feuar, John Winram younger, had not been summoned to attend the redemption. Finally, the letter of reversion upon which the claim rested was neither signed nor sealed by Winram but, as he had always maintained, was a forgery both in its seals and signature. Winram was willing to prove the latter point before a competent judge at any time convenient to the pursuers. (Anxious not to be seen to imply an accusation against Annas or her daughters of perpetrating the forgery he recorded that his only motive was to defend himself).<sup>45</sup>

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<sup>43</sup> 13 May 1581, SRO NP1/35 fos 108r-109r.

<sup>44</sup> 13 May 1581, SRO NP1/35 fos 108r-109r.

<sup>45</sup> 13 May 1581, SRO NP1/35 fos 108r-109r.

Winram's robust rejection of this attempt to redeem the lands of Craigtown and Lumbo was followed by unrecorded negotiations between himself and Annas, through her representatives, Robert Colville of Cleisch and Robert Flescher.<sup>46</sup> These negotiations were concluded within weeks. By the end of June Annas promised to send Winram a formal renunciation by her daughters of their "pretendit reversioun" of Craigtown and Lumbo duly authorised by their tutors and husbands. For his part, Winram agreed to unrecorded actions "for the veill and proffeit of the bairnis".<sup>47</sup> Winram waited over four months for Annas to fulfil her side of the bargain. When he heard rumours that she had reneged on their agreement and had placed the summons of redemption before the Privy Council Winram was furious.<sup>48</sup> In strong terms he warned Annas that, were the rumours true, her action was one of folly:

I haiff thocht gude to cause this berar to speik zour Ladyship and to sei quhiddel ze will performe the commwning in gudelie haist, or if ze will proceed to forthir pley, quhair of I haiff nethir will nor mister now in my auld dayis being ane man of lxxxvij zeris bipast. And nochtheles if zour Ladyship thinkis that pley is bettir and mair proffitable for zour bairnis nor that thing quhilk I may and was myndit to do to yame I mon tak in patience and sall addres me for the pley. Bot I assure zour Ladyship the pley wilbe ten tymis mair skaythfull to zour bairnis nor to me, nethir zit is my rycht and title so waik to Craigtoun and Lumbo as zour Ladyship belewis, and as salbe knawin at the tryall of ye cause. Zour Ladyship hes knawin frome tyme to tyme and zit knawis my mynd in thir behalffis cheiss thairfoir and do the best for the weill of zour bairnis.<sup>49</sup>

This letter appears to have served its purpose and, although no further reference to the matter has been found, the dispute was resolved in Winram's favour. The lands

<sup>46</sup> 19 November 1581, John Winram to Annas Keith, NRA(S) 217 Box 15 no. 1342.

<sup>47</sup> 19 November 1581, John Winram to Annas Keith, NRA(S) 217 Box 15 no. 1342.

<sup>48</sup> There is no record of this matter being raised before the Privy Council.

<sup>49</sup> 19 November 1581, John Winram to Annas Keith, NRA(S) 217 Box 15 no. 1342.

remained with him, passing to his favoured nephew, John Winram younger, who retained his title of John Winram of Craigtown.<sup>50</sup>

Winram's close relationship with Annas was not soured by the affair. The two continued to corresponded on friendly terms and Annas still sought his advice on matters concerning her late husband. Indeed, it was soon after the Craigtown and Lumbo episode that Winram's most tender letter, counselling on the loss which Annas would suffer on his death, was written. Winram made a point of separating formal disputes and disagreements from personal friendships and to his death remained "zour ladyships awin auld gude friend".<sup>51</sup>

## John Knox

The superintendent's ability to disagree with others yet remain on friendly terms with them can also be seen in his dealings with John Knox. In 1547 the thought of preaching had caused Knox to "byrst furth in moist abundand tearis" and hide in his castle room. At the same time Winram, as subprior and vicar general, was boldly introducing radical reform to the worship within St Andrews.<sup>52</sup> It was this early encounter in 1547 which formed the basis of their relationship and of Knox's respect for Winram. It was their friendship which enabled Winram publicly to oppose Knox

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<sup>50</sup> For example 29 January 1582/3, SRO CC20/1/3, fo 176r.

<sup>51</sup> 4 March 1581/2, John Winram to Annas Keith, NRA(S) 217 Box 15 no. 1361. It is hoped to undertake a detailed study of the life of Annas Keith, whose extensive private and business papers are held by the earl of Moray.

<sup>52</sup> Knox, *Works*, I, 188. See above, pages 40-48.

without having the feisty reformer fall out with him - a feat which few others managed.<sup>53</sup>

Before its final acceptance by Parliament the *Confession of Faith*, which Winram himself had assisted in drafting, was sent to the subprior and William Maitland of Lethington to examine. Randolph noted that:

theie mitigate the austeritie of maynie words and sentences which sounded to proceede reather of some evil conceived opinion, then of anie sounde judgement.<sup>54</sup>

The two men advised that a section on “the obediens or dysobediens that Subjects owe unto ther magistrates” should be removed as it was “an unfit matter to be intreated at thys tyme”.<sup>55</sup> Their advice was heeded and no such section addressing both obedience and *disobedience* appears in the *Confession*.<sup>56</sup>

From the scant evidence which survives it appears that an entire section discussing the rights or duties of resistance to civil authority was struck from the *Confession*. Instead, a small, but vital, compromise clause is found embedded in the surviving section on “The Civile Magistrate”. In the midst of positive assertions upholding the divinely ordained authority of the civil rulers the *Confession* claimed that those who resisted a civil ruler “doing that thing quhilk appertains to his charge, do resist Goddis ordinance”, the corollary of which was that those who resist a civil

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<sup>53</sup> When writing his *History* Knox never balked at condemning those who failed to support the reformation. Despite Winram’s very late public acceptance of Protestantism Knox never spoke ill of him or accused him of hypocrisy.

<sup>54</sup> 7 September 1560, Randolph to Cecil, Knox, *Works*, VI, 120-121.

<sup>55</sup> 7 September 1560, Randolph to Cecil, Knox, *Works*, VI, 120-121.

<sup>56</sup> Laing’s assertion that Winram’s and Maitland’s advice was rejected and that the existing section on the Civil Magistrate is as intended in the original draft is not supported by the information given in Randolph’s letter. Moreover, were Laing’s assertion correct, it seems certain that Randolph would have reported the retention of the offending section. Knox, *Works*, VI, 121 note 1.



ruler who was failing in his divinely ordained charge did *not* resist God's authority.<sup>57</sup> The terms under which the *Scots Confession* allowed resistance, probably stated openly in the original section and possibly drafted by Knox, had been carefully reworked. The changes, while acceptable to Knox because of the all important clause, made the *Confession* more palatable to those who did not want to sanction theories of resistance. As a result, the document appeared far less radical in its stance than the theory of resistance openly promoted by John Knox and his close friend Christopher Goodman.<sup>58</sup> Winram had distanced himself from Knox's extreme stance. Yet Knox did not castigate him over this difference in emphasis but tolerated Winram's views to a degree which he did not extend to others.<sup>59</sup>

Winram and Knox also held different opinions over the issue of Queen Mary's personal Mass. When Mary returned to Scotland Lord James had defended the chapel door himself as she attended her first Mass in Holyrood.<sup>60</sup> Knox was appalled at this and denounced the event from the pulpit of St Giles church in Edinburgh,<sup>61</sup> following which he was summoned to the first of several "reasonings" with Mary and others.<sup>62</sup> With the debate still hotly disputed, a group of the leading Protestants, including Knox and Lord James, met to discuss "whither that subjectis

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<sup>57</sup> *Scots Confession*, 52.

<sup>58</sup> See J.E.A. Dawson, "Trumpeting Resistance: Christopher Goodman and John Knox" in R. Mason, ed., *John Knox and the British Reformations*, (forthcoming).

<sup>59</sup> It may be an acknowledgement of Winram's contribution to the *First Book of Discipline* that Knox records the superintendent as the first of the "six Johns" who composed it. Knox, *Works*, II, 128. William Maitland of Lethington was not so tolerated and was later derided by John Knox. Knox, *Works*, VI, 644, 657, and see below, pages 250-251.

<sup>60</sup> Knox, *Works*, II, 271.

<sup>61</sup> Knox, *Works*, II, 276-277.

<sup>62</sup> Knox, *Works*, II, 277-286.

mycht put to thair hand to suppress the idolatrie of thair Prince?"<sup>63</sup> Lord James was amongst those, in opposition to Knox, who advocated that "the subjectis mycht not lauchfullie tak her [Mary, Queen of Scots] Messe frome hir". When the matter was put to the vote, Knox lost and the Queen was permitted to have "hir religioun free in hir awin chapell, to do, sche and hir houshold, what thei list".<sup>64</sup>

For Knox, such an indulgence to the Queen was a sign of weakness in the fight for true religion. Lord James' continued indulgence towards the Catholic Queen (and what Knox regarded as his half-hearted commitment to the reformers' cause) was further confirmed for Knox in 1562 when, after his excessively lavish wedding, Lord James publicly accepted the Earldom of Moray from his half-sister. By mid-1563 the rift between Knox and Lord James reached breaking point. After a furious row they stopped speaking to one another:

The mater fell so hote betwix the Erle of Murray and some otheris of the Courte, and Johne Knox, that familiarlie after that tyme thei spack nott together more then a year and half....<sup>65</sup>

Knox began writing his *History* before he had fallen out with Lord James and he did not shrink from condemning the earl in the work.<sup>66</sup> It appears that it was Lord James who attracted Knox's condemnation, rather than simply the opinions which he held. When John Winram openly opposed Knox over the same issue of the Mass, no such condemnation was forthcoming.

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<sup>63</sup> Knox, *Works*, II, 291.

<sup>64</sup> Knox, *Works*, II, 292.

<sup>65</sup> Knox, *Works*, II, 382-383, 402-403, 461.

<sup>66</sup> They were later reconciled and their friendship continued to strengthen to the extent that upon Lord James' assassination Knox described him as "endued with such graces as the Devell himself cannot accuse or justly convict him" (Knox, *Works*, VI, 568-570).

The matter of the Queen's Mass was again debated in June 1564. At the opening sermon of the General Assembly Knox preached on the legitimacy of resistance. As a result he was summoned to defend his stance before the nobility, including Lord James, and a group of the chief ministers, including John Winram.<sup>67</sup> The nobility's "harangue", as Knox called it, was spearheaded by William Maitland of Lethington and centred upon Knox's vehemence against the Queen and against her private Mass.<sup>68</sup> Lethington concluded the heated debate by asking the assembled ranks to decide whether they could "tak the Queenis Messe frome hir?".<sup>69</sup> John Douglas, rector of St Andrews' University, was the first to speak declaring that he and John Winram were:

boith in one jugement ... as concernyng hir [Queen Mary's] awin Messe, I know it is idolatrie, but yit I am nocht yit resolved, whidder that be violence we may tack it frome hir or nocht.<sup>70</sup>

Winram concurred: "that same is my conscience". He was convinced that the Mass should be condemned, but not sure of the right to use force to stop its celebration.<sup>71</sup> Winram was joined in his opposition by "sum of the Nobillitie", amongst whom was almost certainly Lord James Stewart. Their opinions stood in direct opposition to Knox who in his *History* narrated that:

utheris voitted frankley, and said, "That as the Messe wes abominatioun, so wes it juste and rycht that it sould be suppressit; and that in so doing, men

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<sup>67</sup> Knox, *Works*, II, 424.

<sup>68</sup> Knox, *Works*, II, 425-455.

<sup>69</sup> Knox, *Works*, II, 454.

<sup>70</sup> Knox, *Works*, II, 455-456.

<sup>71</sup> In July 1568 Winram was accused before the General Assembly of condoning the Mass. Winram responded that "it is long since I thought the messe idolatry". *BUK*, I, 123. See above, pages 181-182.

did no moir wrong to the Quenis Majestie than thay that sould be force tak frome hir ane poysonit coupe when sche wes going to drink it.”<sup>72</sup>

Winram's refusal to support Knox in his extreme stance paralleled the action he had taken three years earlier over the *Confession*. Yet, once more Knox did not condemn Winram for his views but contented himself with merely narrating the events. Not so his treatment of Lord James. In concluding his account of the debate Knox, taking a sideways swipe, stated:

In all that tyme the Erle of Murray wes so formed<sup>73</sup> to Johne Knox, that nowther be worde nor write wes there ony communicatioun betwix thame.<sup>74</sup>

Unlike his prior, Winram was able to contradict without falling foul of Knox. Knox's acceptance of the subprior's challenges without severing their relationship provides a telling glimpse of how much he valued and wished to maintain this particular friendship. When Knox spoke of the subprior as one of his “dear brethren” there was more to his choice of words than mere courtesy.<sup>75</sup> Winram commanded trust and respect. His friendship was a valuable commodity which those he shared it with were not willing to forfeit on account of mere dispute or a difference of opinion.

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<sup>72</sup> Knox, *Works*, II, 456.

<sup>73</sup> Intended as *fremmit*, strange, foreign. Knox, *Works*, II, 461 note 2.

<sup>74</sup> Knox, *Works*, II, 461. Since Knox and Lord James were still at variance at the time of the debate Winram opened himself to the charge of being his prior's puppet in siding with him.

<sup>75</sup> *BUK*, I, 247.

## II

**Family Relationships**

John Winram's immediate family did not feature prominently in his life. His father, James Winram of Ratho, died some time before September 1540.<sup>76</sup> His mother, Margaret Wilkie, did not re-marry and died before May 1551.<sup>77</sup> John had at least one brother, Robert, who inherited their father's title and was known as Mr Robert Winram of Ratho.<sup>78</sup> John also had at least one sister, Christine, who married John Spens of Old Liston. (Figure 6) No contact between John and his parents or his siblings has yet been uncovered, but this is not to say that he cut himself off from his kinsfolk when he embarked on his life in the priory.<sup>79</sup>

A number of Winram's kinsmen migrated to Fife after his arrival in St Andrews. Within the priory's own college of St Leonard, eight Winrams followed John in the decades preceding his death.<sup>80</sup> Although no Winrams followed him into the priory as canons his uncle, James Winram, was at the least familiar with the premises and had access to a thirteenth-century illuminated manuscript of selected works of Augustine of Hippo belonging to the prior. In several places James defaced

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<sup>76</sup> RMS, 3/2208.

<sup>77</sup> 2 May 1551, SRO CS7/5, new fo 16r.

<sup>78</sup> It was he who dealt with their mother's estate after her death. For disputes over Robert's handling of the estate see, for example, 2 May 1551, SRO CS7/5, new fo 16r; 27 June 1552, CS7/6, fo 336v; 18 June 1557, CS7/15, fos 122r-123r; 29 July 1564 CS7/30, new fos 177r+v, 251v, 374v-375v; 24 March 1564/5, SRO CS7/34, new fos 32r-33r; 5 April 1566, SRO CS7/37, new fos 50r+v.

<sup>79</sup> Both John and his brother were given licence to pass to France during the 1550 'Brainwashing' expedition. RSS 4/879.

<sup>80</sup> Gilbert, (who fled abroad - see above, pages 29-30) in 1516; Robert in 1536; Thomas in 1542; James and George in 1550 - both of whom were admitted by John Winram himself, acting as deputy rector (see above, page 225 and notes); a second Robert in 1554; John in 1570; and David in 1579. *Early Records*, 212; 236; 248; 253; 260; 279; 294.





the work by recording within its margins his love for his sweetheart, Margaret Lauder, whom he married:

James Wynram and Margarat Lauder, my suyt hart and louf and na udder bot [...] alloud. Amen. And Wyllame Lauder Lard of Haltoun her bruder. Amen.<sup>81</sup>

Another relative became familiar with some less salubrious areas of the priory premises being employed as the cleaner of the priory's latrines.<sup>82</sup>

### Robert Winram, Collector of Fife

Before 1560 only one relative, Robert Winram, son of the above love-struck James and Margaret, made substantial advances at his cousin John's hands. Robert determined at St Leonard's College in 1536 and was licensed in 1537.<sup>83</sup> In 1558, when John was in sole charge of both St Andrew's priory and its daughter house at Pittenweem, he admitted his cousin to the vicarage of Dairsie, one of the priory's appropriated churches.<sup>84</sup> At an unknown date Robert was also admitted to the vicarage of Portmoak, another appropriated church and one over which John, as prior of St Serf's, may have held patronage.<sup>85</sup>

Robert's highest profile appointment was as Collector of the Thirds of Benefices in Fife. In February 1569/70 the Collector of the Thirds in Fife was David

<sup>81</sup> St Andrews' University MS BR 65.A9, fo 159v. One word, "[...]", is illegible. See too fo 138r.

<sup>82</sup> St A. Muniments, SL515, 271.

<sup>83</sup> *Early Recs.*, 136, 236.

<sup>84</sup> [-] May 1558, NLS Adv. 17.1.3 new fo 168v. Lord James Stewart was in France attending his halfsister, Mary, Queen of Scots', wedding. Robert held this vicarage until his death in 1574.

<sup>85</sup> RSS 6/2331. Robert was one of the priory's bailies and the vicarages of Dairsie and Portmoak were probably granted to him as remuneration. For example SRO NP1/26 fos 43v-56v *passim*.

Murray of Kerse (who also served in Perth).<sup>86</sup> The following month the General Assembly authorised superintendents, together with the ministers of their districts or the majority of their synods, to choose and depose the collectors of their district.<sup>87</sup> Almost immediately, David Murray became the Collector for Perth alone and in his place Robert Winram was appointed as Collector in Fife.

Robert's only recorded attendance at the General Assembly, in March 1570/1, had nothing to do with his job as Collector.<sup>88</sup> In December 1570 he had killed Henry Cairns, a citizen of St Andrews.<sup>89</sup> On this occasion Robert could look for no official assistance from his cousin, John. Having demonstrated that he had satisfied the civil magistrate that the death was involuntary manslaughter, Robert submitted himself to the discipline of the General Assembly. The Assembly instructed Robert Hamilton, the parish minister of St Andrews, to receive the repentant Collector after his public satisfaction during Sunday worship.<sup>90</sup> Because the original manslaughter charge was a civil crime, and the subsequent reconciliation to the church was a matter for the parish minister, John Winram played no formal part in the proceedings.

Robert's appointment as Collector for Fife in 1570 was the culmination of favour shown to him by John Winram. In the past John named his cousin as second

<sup>86</sup> 2 February 1569/70, SRO CS7/45, new fos 159r+v; *Thirde of Benefices*, xl.

<sup>87</sup> BUK, I, 162, 178. See above, pages 92-93.

<sup>88</sup> The Robert Winram who attended the December 1560 Assembly as Commissioner for Ratho was almost certainly John Winram's brother, Robert Winram of Ratho, rather than his cousin. BUK, I, 4. This Robert had gone to France in 1550 (RSS 4/879) and was engaged by Lord James as chamberlain of Haddington church, appropriated to the priory and whose teinds had been assigned by Lord James to his mother. (SRO GD150/1837/1, 2, 3, 5, 6) As well as valuing the teindsheaves of the church Robert would oversee the movement of victual, such as the delivery of oats to men named by Lord James to feed their horses. NRA(S) 217 Box 2, Nos 55, 68, 69, 70.

<sup>89</sup> 5 March 1570/1, SRO GD20/1/139. Henry Cairns and his family feud the priory's two mills. RSS, 4/1690; SRO B65/22/300, 301, 337, 341, 369; Kirk, *Books of Assumption*, 18.

<sup>90</sup> BUK, I, 194.

or third in succession in charters concerning personal property at his disposal. Such displays of favour were directed specifically to Robert and were not intended to be passed on to his heirs after his death. Thus, for example, although Robert was named third in succession in a charter concerning Winram's lands of Craigtown and Lumbo when he died in 1574 John made arrangements for Robert's heir, his brother George, to renounce all possible claim on the lands.<sup>91</sup> Robert had been named only third in succession to the lands the practical worth of any claim which George might have had was limited. Others of Winram's relatives were placed higher and were of more importance to him. First and foremost was his wife, Margaret Stewart.

### Margaret Stewart

As one of Alexander Stewart, bishop of Moray's, illegitimate children, Margaret Stewart could boast King James II as a great-grandfather.<sup>92</sup> (Figure 7) Her first husband, Mr John Ayton of Kinnaldy, was the youngest son of Andrew Ayton, captain of Stirling Castle and sheriff of Elgin and Forres, a man whose family had considerable land and wealth in Fife.<sup>93</sup> After her first husband died (some time before November 1547) Margaret retained the title Lady Kinnaldy and managed the estate on behalf of her two young sons, Robert and Andrew.<sup>94</sup> Margaret faced not only the

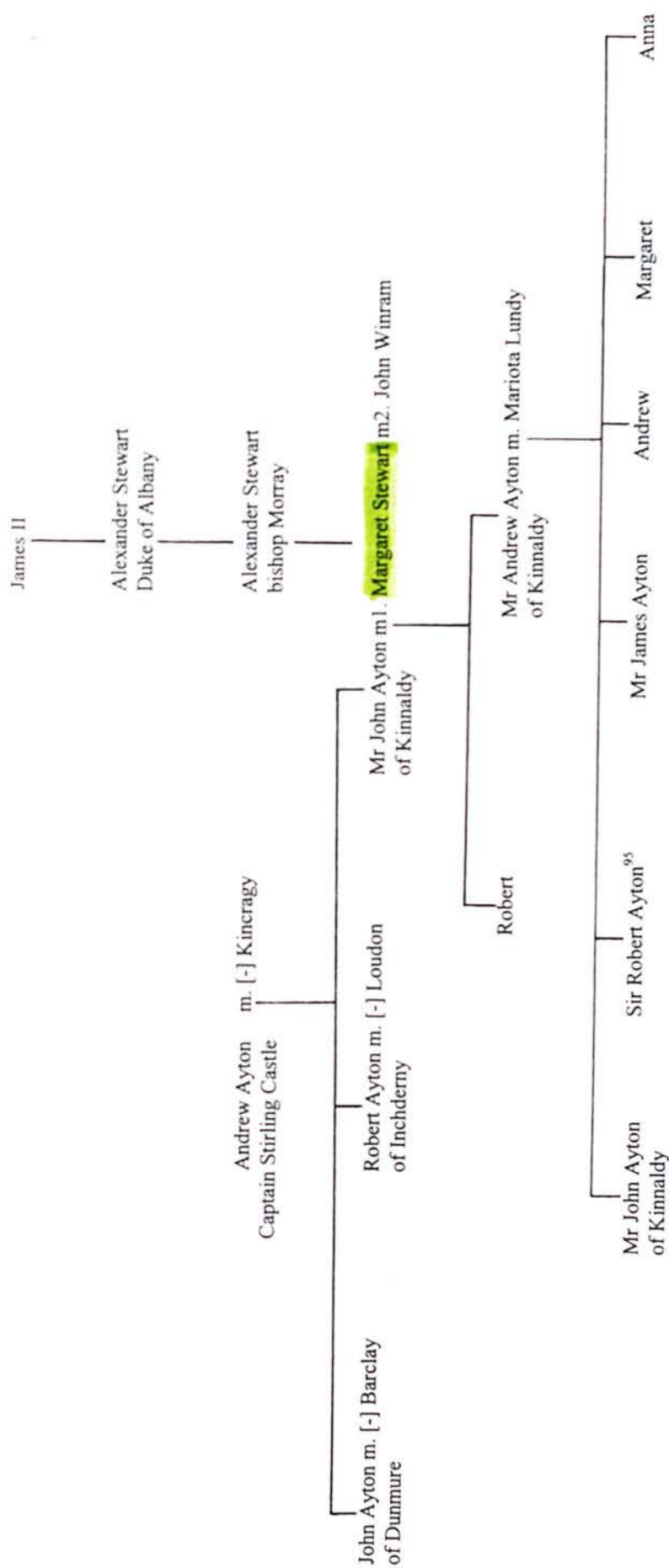
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<sup>91</sup> See above, note 40. John Winram was not hostile to George but was simply protecting his own interests. Winram participated, and may well have been instrumental, in arrangements agreed in March 1574/5 for George to take over all the sums of money owed to Robert as Collector for Fife. 1 July 1575, SRO CS7/60, new fos 105r-106v.

<sup>92</sup> Margaret was also the grandmother of Sir Robert Ayton, the poet. Genealogical evidence given in the *Dictionary of National Biography* skips a generation by confusing the third son of Andrew Ayton, Captain of Stirling Castle, with his grandson. *DNB*, II, 300-302.

<sup>93</sup> During the reign of James IV Andrew Ayton had been granted the lands of Kilgour, Glenduckie and Nether Dunmure in western Fife. The family also owned the estates of Ayton, Inchdairnie and Kinnaldy. *DNB*, II, 300.

<sup>94</sup> *RMS* 4/157.



**Figure 7: Family Tree of Margaret Stewart<sup>96</sup>**

<sup>95</sup> Poet, private secretary to Queen Anne, wife of King James VI, and later to Queen Henrietta Maria, wife of King Charles I.

<sup>96</sup> Information taken from NLS Adv. 33.2.27, new fos 317r-319r.

difficulties of running Kinnaldy estate, but also the trauma of a debilitating accident befalling her elder son. In July of 1553, when his mother had the bounds of some lands recorded, Robert had been named as heir apparent to his dead father.<sup>97</sup> What befell him after that date is unknown however, although the elder son he ceased to be the heir and his father's estate and title passed over him to his younger brother Andrew. Moreover, in Margaret's will special financial provision was made to enable Robert to be 'supported' by his brother who, following Margaret's death, assumed the role of his curator.<sup>98</sup> Although Robert survived into adulthood he never married and it is probable that his brother continued as his guardian until his death.

Margaret was a distant relative of Lord James, and her husband's family had had links with the Douglasses of Lochleven.<sup>99</sup> Through this, and her oversight of Kinnaldy in Fife, she would have known Winram for many years before their marriage. Having successfully negotiated fifteen years of widowhood it is tempting to suggest that Margaret and the seventy-year-old Winram married for mere convenience. The breaking of his vow of chastity clearly demonstrated the subprior's commitment to Protestantism but this was not his primary motivation.<sup>100</sup> Instead, their marriage in August 1562 was based upon a strong mutual commitment.<sup>101</sup> Their

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<sup>97</sup> 20 July 1553, NLS Dep. 314/25 fos 2v-3r. I am grateful to Dr Robert Smart for drawing my attention to this manuscript.

<sup>98</sup> SRO CC8/8/3 fos 127r-128r. Curators were appointed by the Court or an individual to administer the affairs of another deemed legally incapable, either through youth or mental incapacity. *Scottish Legal Terms*, 26.

<sup>99</sup> RSS, 2/1740; SRO GD1/87.

<sup>100</sup> Winram did not engage in theatrical displays for the benefit of others. The opinion that Winram's marriage was undertaken as a means to denounce the vow of chastity, rather than out of love for Margaret, was held by the Catholic commentator, Nicholas de Gouda. Describing Winram's marriage he claimed "this was done to enforce by example, as he had often done by word, their doctrine of the unlawfulness of the vow of chastity, which they are perpetually trumpeting from the pulpit". *Papal Negotiations*, 136.

<sup>101</sup> See above, page 209 and notes for the dating of their marriage.

open marriage soon drew comment. Within weeks of the marriage Nicholas de Gouda reported:

one of these superintendents, a leading man amongst them, a doctor of theology and a monk, then about seventy years of age, was openly married.<sup>102</sup>

If measured in financial terms Winram's devotion to Margaret was substantial. For her dower portion Winram granted the liferent, at a minimal fee, of his many properties associated with St Serf's Inch.<sup>103</sup> Those named in immediate succession in the charter were Margaret's younger son, Andrew and his heirs. Only if there were no heirs to Andrew Ayton was the property to pass to one of Winram's blood relatives, his cousin Robert Winram and his heirs.<sup>104</sup> It is apparent from Margaret's will that she became a partner in much of Winram's financial dealings. Rents deriving from his interests in Kirkness and Dull were listed as owing to her, as were payments due from Winram to the minister and reader at Portmoak for their stipends.<sup>105</sup> In a reciprocal manner, Winram became involved in Margaret's finances. When she was pursuing her tenants in Dundee for rent arrears Winram is recorded as the co-pursuer.<sup>106</sup> Winram also placed considerable trust in Margaret's younger son, Andrew. As well as being named in succession to his mother in charters, Andrew was employed by his step-father to witness his private business transactions.<sup>107</sup> But their domestic bliss was not to last. As Margaret approached her death in early 1574

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<sup>102</sup> *Papal Negotiations*, 136.

<sup>103</sup> See above, page 209.

<sup>104</sup> SRO E14/2 fo 87v; St A. Muniments, SL110.H5.1.

<sup>105</sup> SRO CC8/8/3 fos 127r-128r.

<sup>106</sup> 9 May 1569, SRO NP1/26 fo 84r. See too 24 April 1567, SRO CS7/40 fos 60r+v.

<sup>107</sup> For example, SRO NP1/26, fos 84r, 121v.



some unknown source of dispute between John Winram and his younger stepson was surfacing.

### Andrew Ayton

Margaret fell ill in January 1573/4. As she lay dying in the senzie house she named her husband and younger son as her executors.<sup>108</sup> On 20 January and 11 February 1573/4 she recorded her will before John Scott, notary public.<sup>109</sup> Anticipating friction between her husband and her son Margaret included some telling requests in her will. Although both men were named as her executors it was for the “keeping of concord” between her husband and her friends that Margaret empowered only Winram to intromit with her goods. She felt it necessary to specifically “require” her husband “to be gud” to named members of her family, viz. Andrew Ayton, his wife, Marion Lundy, and daughter, Margaret Ayton; and her nieces Margaret Graham and Katherine Stewart. Winram’s good behaviour to them would, Margaret hoped, ensure that there was no conflict over his execution of her will, and prevent her relatives from troubling or pursuing him.<sup>110</sup>

Margaret’s will was balanced in its provision between her blood kin, her kin through her first marriage and her husband’s blood kin. Having first willed that, on or before the day of her death, her husband should distribute £25 in money, meal or clothes to the poor (“yat ar bocht and redemit fra eternall deith and hell be ze blud of

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<sup>108</sup> 25 January 1573/4; 11 February 1573/4, SRO NP1/26 fos 152v, 154r and 154 insert.

<sup>109</sup> SRO CC8/8/3 fos 127r-128r.

<sup>110</sup> SRO CC8/8/3 fos 127r-128r. All of these peculiar emphases were carefully noted and employed by Ayton and Winram against each other during the lengthy court proceedings which followed Margaret’s death.

Jesus Christ alsuele as we ar") Margaret's primary concern was for the continued care of her disabled son, Robert. There then followed legacies to her own blood kin descended from her numerous paternal half-siblings, her daughter-in-law and granddaughter. Winram's blood-kin were provided for through the registering of old promises of financial assistance as outstanding debts. However, Margaret's attempts to prevent a dispute through both her detailed instructions and requests, and her balanced provisions proved fruitless. Following her death in March the rapidly deteriorating relationship between Winram and his stepson was apparent to all in what became a protracted court-room battle.

On 1 May 1574 the Commissaries of St Andrews, as was common practice, summoned the executors and intromitors of the possessions of the late Margaret Stewart. Winram identified himself and Andrew as the executors nominated in her will and he was given twenty one days to submit proof of his claim.<sup>111</sup> On the day appointed Andrew Ayton alone presented himself before the court challenging Winram's claim of joint nomination to the office of executory and petitioning the court to name him as sole executor.<sup>112</sup> Following a three week adjournment Winram produced the required evidence of his appointment as joint executor in the form of a notorial instrument from John Scott.<sup>113</sup> He was duly recognised as only intromitor and instructed to supply an inventory of his wife's possessions. This he did on 3 July,

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<sup>111</sup> SRO CC20/1/1 fos 125v-126r.

<sup>112</sup> Hedging his bets, Andrew also petitioned the court that should his step-father succeed in obtaining the required confirmation then Winram should forfeit any goods which had been omitted from his initial inventory. SRO CC20/1/1 fo 149v.

<sup>113</sup> SRO CC20/1/1 fo 177v. In John Scott's protocol book the relevant instrument is both recorded within the pages of the book (SRO NP1/26 fo 154r) and a separate copy of the instrument, possibly the one presented to the Commissary Court, has been inserted and bound with the book at a subsequent date (SRO NP1/26 fo 154 insert).

copying the same to the Commissaries of Edinburgh who registered the inventory on 5 August.<sup>114</sup>

Two months passed before the subject was again raised in court during which time the dispute over Winram's inventory of Margaret's goods and his efforts to settle her debts and legacies grew. In seeking probate before the court Winram summoned all creditors and legatees named by Margaret to appear before the Commissary Court of St Andrews on 18 October to register any protest they might have against the legitimacy and accuracy of Margaret's will. In this "caus of compt" Winram specifically cited twenty-seven creditors and legatees.<sup>115</sup> The majority did not appear and Winram successfully argued that by their absence they had forfeited the right to mount any future challenge. However, two people did appear: Archibald Miller, who was neither named in the original will nor in Winram's action, and Andrew Ayton, who appeared for himself, his wife and his daughter.<sup>116</sup> Both men presented formal legal supplications to the court on 1 November.<sup>117</sup>

At this stage it seemed possible that Winram and his stepson might settle their dispute amicably. One of Ayton's claims was for money due to him and his family omitted from Margaret's will. Winram protested that since his wife had provided a generous legacy he should not be liable to pay any more to his stepson. Nevertheless, he was willing to compromise and to accept the arguments proffered as far as they

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<sup>114</sup> SRO CC20/1/1 fo 204v; SRO CC8/8/3 fos 127r-128r. Eleven days later Winram reported the Edinburgh confirmation to the Commissary Court of St Andrews. SRO CC20/1/1 fo 264v.

<sup>115</sup> The decision of a court in such a probate, where all interested parties had been cited to attend the open court, was irrevocable unless a will of a later date was subsequently discovered. *Law Dictionary*, 210-211, 255-256.

<sup>116</sup> SRO CC20/1/1 fo 291v.

<sup>117</sup> SRO CC20/1/1 fos 284v-285r.

affected Andrew alone. Ayton too was prepared to be flexible. If Winram agreed to surrender the legacies left by his mother to his wife and daughter he in turn would settle for only the sums listed in the will and would desist from further legal pursuit. Winram agreed.<sup>118</sup>

After seven months, then, the dispute between step-father and stepson was approaching a settlement. Such a settlement was advantageous to both men. Ayton would speedily receive those monies due to him and his family, Winram would receive the assurance of no future challenges, and both men would avoid protracting an already costly and time consuming court case. However things deteriorated and by the next court appearance, 15 November, Winram and Ayton had abandoned their agreement. All sides of the dispute, including Archibald Miller, now retained legal representation. Legal arguments were frequently heard over the next two months but to no avail.<sup>119</sup> By 5 January 1574/5 an exasperated judge ruled that all legal arguments so far admitted were to be departed from. All parties were ordered to prove their claims anew.<sup>120</sup>

With the slate wiped clean the lawyers changed tack. Winram's lawyers produced endorsed receipts to show that the subprior had paid and distributed the debts and legacies in Margaret's will. Ayton's and Miller's lawyers had witnesses testify to the contrary.<sup>121</sup> At the next gathering, 9 February, Winram's lawyers produced more receipts and Miller's lawyers produced more witnesses. But Ayton's

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<sup>118</sup> Betraying his desire for documentary proof, Winram's acceptance was conditional upon his stepson giving sufficient written receipts. SRO CC20/1/1 fo 291v.

<sup>119</sup> SRO CC20/1/1 fos 302, 309v, 318r, 319r, 325r, 330v.

<sup>120</sup> SRO CC20/1/1 fo 339v.

<sup>121</sup> SRO CC20/1/1 fo 351r.

lawyer produced no evidence and simply voiced his rejection of the original inventory.<sup>122</sup> By 2 March the case regarding the will of Margaret Stewart was being heard before the Commissary Court of St Andrews for the eighteenth time since her death one year earlier. When Ayton's lawyer again offered no evidence Winram's lawyer argued that the time allowed for the production of witnesses and evidence in support of Andrew's claim had elapsed and that the claim should fall by default. The judge agreed.<sup>123</sup>

Ayton's apparent loss of interest in the case before the St Andrews' Commissary Court was due, in part, to the fact that by this time he had taken his case to Edinburgh's Commissary Court to outflank his step-father by obtaining their binding judgement on the St Andrews' Court, and he thought he had succeeded.<sup>124</sup> On 17 February 1574/5 the Court in Edinburgh had named Andrew's two infant sons as "executors dative" to their grandmother and empowered them to pursue those goods and debts omitted from Winram's original inventory, but submitted by Ayton in an addendum.<sup>125</sup> This, in effect, gave Ayton control over some £264 of goods owned by, and debts owed to, his late mother.<sup>126</sup>

Backed by the ruling of the superior court in Edinburgh Andrew Ayton hoped he had no further need of the St Andrews' Court (hence his lack of interest there).<sup>127</sup>

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<sup>122</sup> SRO CC20/1/1 fo 373r.

<sup>123</sup> SRO CC20/1/1 fos 397v-398r.

<sup>124</sup> The Commissary Court system in Scotland was governed by an unofficial hierarchical structure with the Edinburgh Court being first among equals. Even before the establishment, in 1532, of the Court of Session within Edinburgh the city had been a focus for significant cases and a legal centre from which judgements binding on other courts were sought.

<sup>125</sup> Executors appointed by the court, *cf.*, 'Executors Nominate' - executors appointed by the testator.

<sup>126</sup> SRO CC8/8/3 fos 220v-221r.

<sup>127</sup> When the St Andrews' Court next heard the case, 23 March 1574/5, the only claim to be pursued was Miller's - a claim which took a dramatic new twist. A new will, ostensibly made between Miller

But this was not to be. Although Andrew succeeded in having his addendum to his mother's will recorded by the Edinburgh Commissaries his plan to outwit his step-father failed. Winram reacted decisively to his stepson's manoeuvrings. Not only did the subprior refuse to hand over the goods identified in the addendum, he also withheld everything that Margaret had assigned to Andrew and his family in her will. In an attempt to force his step-father into honouring the will Andrew returned to the St Andrews' Court and obtained a decret charging his step-father to comply, reminding the court that his mother had specifically instructed his step-father "to be guid" to him and his family.<sup>128</sup> Winram mounted a vigorous defence. In his counter action against Andrew, Winram went to the Court of Session in November 1575. There Winram drew attention to the fact that his Margaret had instructed him to dispose of her goods "as he thocht best". Therefore, he argued:

it is manifest yat ...[he -i.e. Winram]... is nocht subiect to ye payment of ony sowmeis or delyvering of ony clething or ony vyair thingis specifeit in the said testament except anlie at his awin will and plesour.<sup>129</sup>

Winram appears to have realised his argument was weak and took the precaution of lodging the sum of money claimed by Andrew with one of the Privy Council, and obtaining caution to deliver the disputed goods to his stepson should the

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and Margaret, was presented to the court. Winram's lawyer protested that as a "comoun writing" bearing neither the signature of Margaret nor the endorsement of a notary the document was a forgery. However, rather than dismiss it out of hand the judge adjourned the case for three weeks to enable further investigation. SRO CC20/1/1 fos 427v-428r. Just as this new twist was unfolding the court records end. They begin again twelve months later by which time there is no trace of Miller's claim which, presumably, had been settled in the intervening year. The 'new will' was not recorded in the register of testaments of the Commissary Court of Edinburgh indicating that it was never validated. Miller's challenge failed.

<sup>128</sup> SRO CS7/61 new fos 421v-422v. The original action has not been found in the St Andrews' records, but is only recorded retrospectively as background to Winram's subsequent action raised in the Court of Session.

<sup>129</sup> SRO CS7/61 new fos 421v-422v.



court's judgement go against him. The Court of Session was just so minded and ruled that Andrew's original action was competent and the ruling of the St Andrew's Court should be obeyed. In an attempt to resolve the dispute with some degree of compromise the court ordered that the letters of horning which Andrew had obtained should be suspended for two months "sua yat the saidis parteis may commoun and agre" and so that the disputed goods could be delivered in the intervening period. The money which Winram had lodged was to be handed over to his stepson immediately.<sup>130</sup> Andrew must have felt that he had at last succeeded in defeating his step-father. Not so. Although John Winram was forced to obey this ruling of the Court of Session and hand over to his stepson the goods and money allocated to Andrew and his family in Margaret's will, the judgement said nothing concerning the additional goods and debts uncovered in Ayton's addendum. John Winram was determined to hold on to them.

The records for the St Andrews' Court for the vital months of April 1575 to April 1576 are missing. However, on 14 May 1576 the conclusion to an action pursued by Ayton was recorded in the Commissary Court Books of St Andrews concerning the ruling, fourteen months earlier, by the Commissary Court of Edinburgh, naming his sons as executors dative to goods and debts omitted from the original inventory submitted by Winram. In the months since the addendum had been registered Winram had not surrendered these additional goods and debts to Ayton. Bolstered by his success with the Court of Session Andrew now petitioned the St Andrews' court to issue a decree compelling his step-father to deliver the items in the

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<sup>130</sup> SRO CS7/61 new fos 421v-422v.

addendum to his sons. But a second success against his step-father was not to be. Finding that Ayton had failed to offer sufficient proof of his allegations the court ruled in favour of Winram. In a final snub, the court awarded costs against Ayton.<sup>131</sup>

After more than two years the bitter dispute between John Winram and his stepson over Margaret Stewart's will had made its last appearance before the St Andrews' Commissary Court. Any concord which had existed between Winram and Andrew while Margaret was alive was destroyed. Indeed, ill feeling continued for the rest of Winram's life.<sup>132</sup> The following years witnessed the break down of other long standing arrangements between Winram and Ayton.<sup>133</sup> Within a month of finally defeating his stepson over Margaret's will Winram was on the offensive and raised a summons against Andrew for failing to deliver teind sheaves from his lands due to his step-father as part of his priory pension.<sup>134</sup> The matter was raised before the St Andrews' Commissaries on a further three occasions.<sup>135</sup> Judgement was given in Winram's favour. Once more, costs were awarded against Ayton. Winram also reneged on his 1562 charter granting the manse of Kirkness and Isle of St Serf in life rent to Margaret and Andrew Ayton.<sup>136</sup> In October 1576 a charter granting the same manse and Isle to Winram's nephew, James, elder son of his brother Robert Winram

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<sup>131</sup> SRO CC20/1/2 fos 15r+v.

<sup>132</sup> The dispute between Winram and Ayton did not prevent the latter from serving the prior, Robert Stewart, especially after Winram's death. For example, St A. Muniments, SL110.E2.2; SL110.E2.3; SL110.PW.108; SRO GD45/16/2712.

<sup>133</sup> Many of these arrangements encompassed a large degree of mutual convenience, such as those regarding the payment of part of Winram's priory pension from teinds from lands pertaining to his step-son, or the inter-family leasing of property.

<sup>134</sup> SRO CC20/1/2 fos 48v, 50r.

<sup>135</sup> SRO CC20/1/2 fos 50r, 60r, 71v-72r.

<sup>136</sup> SRO E14/2 fo 87v.

of Ratho, was issued.<sup>137</sup> Although no recorded dispute over these charters has been found the manse and Isle did not in fact return to the Winram family but remained with the Aytons.<sup>138</sup> Indeed, in 1591 the manse and Isle passed from Andrew Ayton to his eldest son, John.<sup>139</sup>

### John Winram younger

Whatever had initiated Winram's disagreement with his stepson, the dispute over Margaret's will had destroyed their relationship completely. Andrew was no longer used by his step-father to conduct or witness any of his business dealings. This was no great loss to Winram who turned to his own blood kin to serve these needs. He had originally been grooming his cousin Robert Winram, Collector of Fife, to succeed to his goods and lands. When Robert died in 1574 the subprior concentrated his attentions on his brother's two sons, James and John younger. James was assigned particular oversight of his uncle's interests concerning St Serf's.<sup>140</sup> His dealings with his uncle were conducted at a distance and in a formal manner. John Winram younger, on the other hand, was involved in Craigtown, Lumbo and St Andrews. He had a much closer relationship with his uncle, fulfilling the role of the son his uncle never had, and assuming the role of assignee.<sup>141</sup> The two Johns'

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<sup>137</sup> SRO E14/2 fos 62r+v.

<sup>138</sup> Although Andrew had a fight to retain his claim on Kirkness with James Wilkie, the principal of St Leonard's College, who assumed the title of Prior of Portmoak, after John Winram's death. 6 June 1583, SRO NP1/35 fos 158v-159r.

<sup>139</sup> *Bannatyne Miscellany*, I, 301.

<sup>140</sup> James assumed the role of tacksman of Kirkness. SRO E14/2 fos 62r+v; SRO CC8/8/11, fos 254v-257v; St A. Muniments SL110.02.

<sup>141</sup> One who takes the right or title of another by assignment. *Law Dictionary*, 21.

association with each other was so complete that it became necessary for the subprior to be known as "John Winram elder" to distinguish him from his nephew.

In 1578 John Winram elder, now aged eighty-six, placed his affairs into the hands of his nephews. The "sindrie and divers causes" which moved the subprior to this action were almost certainly spurred on by old age and his deep desire legally to exclude his estranged stepson from his possessions and prevent Andrew from benefiting from his death. From then on, John younger was recognised as his uncle's "veiray lauchfull and undoubtit procurator and factor".<sup>142</sup> As well as overseeing his uncle's business affairs John younger was to inherit his possessions in St Andrews. To that end an extensive and detailed list of everything within his residence at St Andrews was recorded.<sup>143</sup> It was not only the goods contained in this list that were assigned to John younger but also most of the debts, contracts and obligations outstanding to his uncle.<sup>144</sup> As Winram's procurator and factor John younger was empowered to collect all rents, debts and other duties from his uncle's benefices and pensions. Finally, following Winram's death John younger was to be given the 'annat' of his uncle's benefice.<sup>145</sup> From John Winram's will it is clear that a similar inventory of possessions in Kirkness, and debts owed by William Douglas of Lochleven, was made to James Winram.<sup>146</sup> For the remaining years of his life John Winram elder was content with this arrangement.

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<sup>142</sup> 28 September 1578, SRO NP1/35 fos 57r-58r.

<sup>143</sup> SRO NP1/35 fos 57r-58r.

<sup>144</sup> Except those debts owed by the later Robert Douglas of Lochleven and William Douglas his son and heir, which were assigned to John's younger brother James, tacksman of Kirkness, SRO CC8/8/11, fos 254v-257v; St A. Muniments, SL110.02.

<sup>145</sup> A half-year's income of the benefice payable to the nearest of kin of an incumbent after his death.

<sup>146</sup> SRO CC8/8/11 fos 254v-257v.

## The Will of John Winram

On 28 September 1582, four years to the very day after assigning his goods to his nephew John elder died.<sup>147</sup> Following the bitter and protracted disputes between Winram and Andrew Ayton in the preceding decade the continued ill feeling between the two men was clearly evident in Winram's will. The subprior's primary concern was to exclude his stepson. After a standard preamble, the first clause of his testament unequivocally stated:

I revoke and retraits all legacie assedatioun or gift, gif ony I maid, of my gudis of befor or of my priorie or of my utencile and domicile now presentlie within my duelling hous maid to Mr Andro Aittoun of Kynnaldie ... and yat for certane ressonabill causes moving me yairto.<sup>148</sup>

These goods were to go to his nephews:

I gif and levis to James Wynrame sone and apperand air to maister Robert Wynrame of Ratho all ye utencile within my duelling hous of Kirknes and to Mr Johne Wynrame zounger of Craigtoun I gif and levis all my utencile and domicile now presentlie being within my duelling hous within ye abbay of Sanctandrois togidder with all my haill bukis appertening to me conforme to ye constitutiones and dispositiones respective maid to yame of befor.<sup>149</sup>

<sup>147</sup> Having observed only the briefest of intervals, the regents of St Leonard's College in St Andrews took possession of the Priory of Portmoak and the manor place of Kirkness which Winram had assigned to them some twelve years previously. During an eight day occupation of the manor place - in order to establish ownership - Mr James Wilkie, rector of St Andrews' University, Principal of St Leonard's College, and two other regents of the college recorded an inventory of the goods present in the house. Comparing this inventory with that of his goods in St Andrews shows that in the final years of his life Winram did not use Portmoak as an active place of residence. SRO NP1/35 fos 138v-139r, also in St A. Muniments SL110.H2.

<sup>148</sup> Winram also excluded his dead cousin Robert Winram Collector of Fife (and thereby his heirs) in this revocation.

<sup>149</sup> SRO CC8/8/11 fos 254v-257v. A transcript of this will, with minor errors, is given in Wodrow, *Collections*, I, 463-468. Andrew Ayton was not the only person who was purposely excluded from the will. Winram's servant Robert Glen, younger, burgess of Edinburgh, and his wife Elspet Cairns also fell foul of him. Winram admitted that he had promised to them the sum of £500, and indeed had advanced them some £306. However, the remaining £194 was not to be paid. This loss of favour before Winram was dramatic. Five years earlier Winram had been in considerable debt to Elspet and two of his nieces. On that occasion Elspet was described as his donator, cessionar and assignee. SRO NP1/35 fos 40v-41r. See above, pages 187-189. Winram's exclusion of Robert and Elspet was unlikely to be upheld if challenged in a court of law. John younger and Robert attempted a negotiated settlement to prevent any formal challenge. On 12 January 1582/3 an agreement was recorded before



John younger submitted Winram's will to the Commissary Court of Edinburgh on 14 December 1582.<sup>150</sup> On 2 February 1582/3 he made the first formal steps towards getting a ruling of probate from the court when all creditors and legatees named in Winram's will were summoned to a "cause of compt" to register any protest they might have against his inventory. It could have come as little surprise to John younger that it was heavily contested with many creditors registering their protests including Robert and Andrew Ayton, David Orme,<sup>151</sup> Robert Glen and his wife, Elspet Cairns, and Mr Robert Winram of Ratho.<sup>152</sup>

On 16 February John younger's lawyer presented both Winram's will and John younger's inventory of his uncle's goods to the court. The petitions of Robert and Andrew Ayton, Robert Glen and his wife, and Mr Robert Winram of Ratho were also submitted. Andrew Ayton was especially anxious to promote his own claim and argued that the claim of David Orme should not be sustained since he had failed to enter a formal petition. Moreover, all remaining claims should be heard strictly in accordance with the sums of money contained in them.<sup>153</sup> Conveniently, as Andrew's was the largest claim, it should be given priority. Despite this vigorous start, progress in the case was slow and the dispute soon moved into a long phase of continuous and

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the Commissary Court of St Andrews whereby John younger would pay Robert £120 in return for Robert discharging John younger of all debts owed to him by the late John Winram. However, the agreement was revoked within hours. Both men declared themselves "hurt" by the making of the agreement and instructed the act to be deleted from the Court book. SRO CC20/1/3 fo 158v.

<sup>150</sup> Had John younger submitted this will earlier his elder brother might have taken exception to the St Leonard's Regents seizure of all the goods within the manor place of Portmoak since Winram left the entire contents of the house to him.

<sup>151</sup> Chamberlain of St Andrews' Priory.

<sup>152</sup> Like his uncle before him John younger successfully petitioned the court that no future protests should be admitted except those raised that day. SRO CC20/1/3 fos 184v-185r.

<sup>153</sup> SRO CC20/1/3 fo 195r.



repeated deferral without further arguments being forwarded.<sup>154</sup> On 2 August 1583 that the court ruled that the case “slepis”.<sup>155</sup>

After ten years the dispute between the Winram and the Ayton families had been resolved. Margaret Stewart had fully anticipated that her death would precipitate conflict. Having married a man much her elder she had been expected to outlive Winram and succeed to his estate. In turn her younger son, Andrew, would have anticipated succeeding her. But Winram's longevity confounded such plans. Despite his mother's careful distribution of her moveable goods, a great deal of Andrew's expected inheritance went to Winram. The loss of his inheritance, and his wounded pride at his ultimate failure in the courts, exacerbated the disagreements he had with his step-father. By the time of Winram's death the relations between the two were positively hostile.

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<sup>154</sup> SRO CC20/1/3 fos 204r, 211v, 214v, 223r, 251v, 278r, 298r, 322r, 341r, 364r.

<sup>155</sup> SRO CC20/1/3 fo 396v. Andrew had also been pursuing a concurrent case in his own name and as curator for his brother Robert. On 14 January 1582/3 a swift process of claim and counter claim between Andrew and John younger began. SRO CC20/1/3 fos 161r, 176r, 178r, 183r, 186v. However in the six months between February and August the case was continued on numerous occasions with no new arguments advanced. SRO CC20/1/3 fos 194r, 197r, 202v, 210v, 215r, 223r, 251v, 278r, 298r, 322r, 341r, 364r. On 2 August 1583 this case also fell through lack of pursuit through the court. SRO CC20/1/3 fo 396r.

## Conclusion

John Winram's death was mourned by many who had known him. John Scott, the notary much employed by the priory and by Winram himself, noted in the front of his protocol book:

Fryday ye xxviiij of September 1582. Ane honourable and vurschipfull man Mr Jhone Wynram sumtyme subpryor of St Androis abbay, superintendent efterwart of Fyff and pryor of Portmoak departit from this lyff and was bureit in St Leonardis kirk.<sup>1</sup>

Against Reformed practice Winram was buried within the church of St Leonard's College, where his time in St Andrews had begun. Not only was he buried inside the church, but he was afforded a place of great honour, before the site of the old high altar. Immediately next to Winram's tomb lay that of Alexander Young, the subprior of the Abbey who, fifty years earlier, had encouraged Winram and his fellow brethren to question and examine the new doctrines being espoused by Martin Luther and Patrick Hamilton.<sup>2</sup>

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<sup>1</sup> SRO NP1/35 fo 1r unpaginated front section. John Scott was in the habit of recording such vignettes of memorable events. For example he also recorded the incarceration of Queen Mary in Lochleven, the assassination of Lord James, and the execution of John Hamilton, archbishop of St Andrews. (SRO NP1/26, fo 3r, unpaginated front section). 1580 saw a more light-hearted event which he saw fit to record: "Monday ye xix day of December 1580. Yair came in ye eist sands besyd Sanct Androis callit Sanct Nicholace sandis ane gryt quhaill utherwayis callit ane huddoun. The bischoip and prior of Sanct Androis and ye laird of Kynkeill maid debait for ye saime bot ye inhabitants of Sanct Androis tuik hir away and mellit with hir". SRO NP1/35 fo 1r unpaginated front section.

<sup>2</sup> See above, pages 32-33. For a brief description of St Leonard's chapel and its tombs see Cant, *St Leonard's Chapel*.

Winram's tombstone has been greatly eroded through exposure to the elements in the two centuries during which the chapel lay ruined but its original magnificence can still be appreciated.<sup>3</sup>



Figure 8: Tombstone of John Winram

<sup>3</sup> It is now hidden beneath the carpet of the choir. I am grateful to the servitors of St Mary's College, St Andrews' University, for permission to examine the stone.

The shield is surrounded by the letters M. I. J., representing Magister Iohannes Wynramus, and the year of his death, 1582. On the shield a dice box and a ram play on the words “win” “ram” and reflect the ram depicted in Winram’s own arms.<sup>4</sup> Sketches made in the nineteenth century, while revealing more of the stone’s inscription, do not assist in translating the confused epitaph:

Border: ... [wy]nramo cæ[n]obiarccæ conversis rebvs fifanorvm episcopo  
ann[o] æ[tat]is svæ 90 occvmben[ti] pos[itvm]

Above shield: ... pietate ...is genere ampla ...opinqvis consilio ...nc tvmvli  
reppe...t acta modvm

Below shield: 1582 mvlta cvm deambvlaveris demvm redevndvm est hac  
conditione intravi vt exirem<sup>5</sup>

One possible translation would be:

[In memory of John] Winram, prior, and, after the world changed, Bishop of the Fife men, who died in the ninetieth year of his age.

A life distinguished in piety, well endowed in respect of family, lived in wisdom, has now found the limit of the tomb.

Though you lived a long time you must eventually die. I entered into this life on the condition that I should depart from it.<sup>6</sup>

The function of any epitaph is to tell the reader of the particular merits of the one who has died. This study has affirmed some of the same attributes for which Winram was praised at the time of his death. In particular, his whole life, in all its spheres of activity, was “lived in wisdom”, and his efficient discharge of his many

<sup>4</sup> Hewat, *Makers*, 209-210; See frontispiece taken from Stodart, *Scottish Arms*, I, 45. William Fraser records having seen Winram’s superintendent’s seal appended to the letter of admission issued to Malice Graham (see above pages 154-155): “The seal is still appended, but much defaced. On a shield a ram passant. The legend appears to be S. Superintendentis de Fyfe”, *Red Book of Menteith*, II, 315-316 and notes. Attempts to trace the original document have been unsuccessful.

<sup>5</sup> Lyon, *Ancient Monuments*, 4-7, figure 7; Hewat, *Makers*, 209. Although Lyon gives the most complete reconstruction of the epitaph he has been known to be unreliable when reconstructing Latin phrases. Herkless and Hannay, *St Leonard’s*, 216-217.

<sup>6</sup> Lyon, *Ancient Monuments*, 4-5; Hewat, *Makers*, 209. I am most grateful to Dr David Wright for his assistance in translating this inscription.

duties of oversight has shown him to be worthy of the title of overseer or "Bishop of the Fife men".

## I

***"A life lived in wisdom"***

Because of the colourfulness of the language used, an oft cited description of John Winram is that given by the disgruntled Alexander Wardlaw, parson of Ballingary, after a less than favourable visitation of his kirk by Winram. As far as Wardlaw was concerned his superintendent was a:

fals, dissaitfull, gredy, and dissimblit smayk, ... ane of tham that maist oppressed, smored, and held down the Word of God, and now he is cumin to it, and professis the same for gredines of gayr, lurkand and watchand quhill he maye se ane other tym.<sup>7</sup>

Wardlaw believed Winram to be an opportunist Protestant, content to side with the reformers because they offered the best prospects for that time, but willing to switch allegiance should the circumstances change. His image of Winram was wrong. Far from being a flighty opportunist, Winram was a very precise and meticulous individual. He knew the value of considering all the possibilities, planning ahead, and of knowing precisely how far to venture at any one time. His support of Protestantism may have been a long time coming but once he had made his decision, it was absolute.

Winram's canniness so dominated all of his actions that it bordered on the obsessive. The trigger for this mindset seems to have been the events in and around the priory in the later 1520s. As a canon regular Winram had experienced how an apparently controlled situation could rapidly turn around and he had witnessed the resulting horrors that could befall anyone left exposed and out of step with those in authority.

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<sup>7</sup> *RSIAKS*, I, 86.



For a number of years Patrick Hamilton had been a welcome participant in priory and university life in St Andrews. For some time his open defence of Luther's teachings had been allowed and even encouraged. However in 1528 archbishop James Beaton and the church authorities dramatically turned upon Hamilton, condemned him of heresy and then bungled his execution. Almost overnight public debates on doctrinal matters had led to what (even by contemporary standards) was a barbaric and tortuous execution. The whole episode was seared upon the memories of those who had witnessed it.

As if this would not have given Winram sufficient incentive to avoid being seen to condone unorthodoxy, the fate of his fellow canon Alexander Alan a few months later for merely being thought to sanction criticism of those in authority, especially his prior, would have left Winram in no doubt of the need for extreme caution. To have been present when his enraged prior tried to murder Alan so soon after Patrick Hamilton's execution cannot have failed to persuade Winram that he must jealously guard his own thoughts. In the late 1520s Winram was not convinced of the merits of Protestantism, but he had seen how even hints of unorthodox leanings were fraught with danger. From now on, he would always strive to read the signs of the present times and anticipate the changes in the future.

Winram continued to benefit from the debates begun by others, such as his subprior Alexander Young within the priory, and Gavin Logie within St Leonard's College, but he himself kept his head down and his nose clean. That he was successful in this approach to life is evident in his promotion to subprior of the priory and his concurrent rise through the ranks of the university at a time when others, like Alexander Young, were falling from grace.

As the years progressed Winram's position as subprior became more secure under the commendatorship of Lord James Stewart. Although the sanctioning of heretical opinions remained highly dangerous, their debate within the learned corridors of the university and priory became more acceptable. Reading these changes by the early 1540s Winram felt that it was now relatively safe to be suspected of sympathising with the new ideas, so long as he remained vigilant never to be seen to do so.

By 1546 many people suspected Winram of holding reforming sympathies, not least of whom were Cardinal David Beaton, George Wishart and John Knox. At this time Winram sought reform of the Church but not the establishment of Protestantism. His sermon at the trial of George Wishart argued for the reform of abuses within the Church, and a return to old standards - including those which defined heresy. His condemnation of abuses within the Church was precisely planned and very carefully delivered. For his own safety Winram knew that he must not give any cause for Cardinal Beaton officially to challenge his statements. While Winram's actions drew private warning from the cardinal, Beaton could establish no formal grounds upon which to pursue him officially.

After the Cardinal's murder in May 1546 Winram felt more secure. Not only was he released from Beaton's oversight, he was also given added authority when appointed co-vicar general with Lord James Stewart during the subsequent three-year vacancy of the archbishopric. The policy which Winram had so carefully pursued over the previous decades of ensuring that he did not fall foul of the church authorities was given considerable flexibility, for now he himself was one of the main ecclesiastical leaders of the country. He did not allow his new found position of

authority to go to his head and he remained vigilant not to provide any hostages to fortune for which a ransom might later be demanded. One of his first actions was to publish a vernacular catechism. This provoked no comment at the time, suggesting that it did not promote any unorthodox ideas. Its great innovation in Scotland was the use of vernacular in the hope of tackling ignorance amongst the laity (and clergy).

A later action undertaken by Winram was more innovative. By permitting John Knox to attack the Pope and the Church of Rome from the pulpit of the parish church the subprior exposed himself to the charge of condoning heresy and failing to defend the Pope against Knox's assault. When John Hamilton, the archbishop designate, specifically rebuked Winram on the matter the subprior acted swiftly to protect himself from further challenge by Hamilton but without stifling the debate. In the St Leonard's disputation with John Knox, Winram refused to be drawn into either supporting or condemning the Protestants' beliefs, limiting his own personal involvement while skilfully retaining control of the debate. In this way no opportunity was given for John Hamilton to mount a successful challenge to the proceedings.

When Winram initiated a course of regular public preaching he was very careful to ensure that he and his fellow learned men of the university and priory occupied the pulpit on the Sabbath, thus preserving due order and promoting teaching by Catholic clergy. Knox was relegated to the mid-week slot, but this was a mere technicality. The fact of his being permitted to deliver a weekly sermon in the parish kirk was of far greater significance than the day on which he delivered it. Winram's meticulous observation of due order was such that even when large numbers of the town participated in some form of reformed Mass, those who objected could do little

other than voice their objections to the civil authorities. Winram's skill and wisdom ensured that technically he remained on the right side of the ecclesiastical law.

Winram had used his position as subprior and as co vicar-general to introduce considerable reform into the worship in St Andrews, reforms which were commended by John Knox both at the time and many years later. That these reforms were halted as a result of the intervention of French galley ships did not detract from the fact that reform of the Catholic Church which was acceptable to the likes of both John Winram and John Knox, and a style of worship which satisfied the desires of the laity had been shown to be attainable. There was no reason to suppose that, given the national support of the ecclesiastical authorities, what had been achieved in St Andrews could not be established throughout Scotland.

Despite John Hamilton's earlier protests, by the time he was admitted as archbishop of St Andrews in 1549 he too was convinced of the need for reform of the Catholic Church. Unlike the rapid developments that had occurred in St Andrews, nation-wide changes were much slower to implement. Winram participated in the councils called by the archbishop in 1549, 1552 and 1559 to reform the Church in Scotland. Eventually, however, it became apparent that no matter how much reforms were sought and called for in the councils, in the parishes and in the dioceses of Scotland too little was happening too slowly.

It can never now be known how long Winram would have striven to attain his goal of a nation-wide reform of the Catholic Church. In the end, external events overtook the Scottish Church. By 1558 continued dissatisfaction with the state of the Church and anger at its failure to put its own house in order had consolidated into a recognisable force. Winram's prior was amongst those who were calling for the

return of John Knox, now firmly against simple reform of the Catholic Church, as achieved in 1547 St Andrews, and in favour of the outright establishment of Protestantism.

Both nationally and internationally the times were changing. Trying, as ever, to anticipate these changes, Winram realised that his long-held hope of a reformed Catholic Church was unattainable. Although some of the clergy supported such reform, including many of the men now entering St Andrews' priory, far more failed to put the reforms into practice. The mood of the laity was also changing. They felt revulsion at the martyrdom of Walter Milne. Calls for reform of the Catholic Church became calls for the establishment of Protestantism. The Reforming Council of 1559 saw what was happening and talked of "this turbulent time, when Lutheranism, Calvinism, and very many other nefarious heresies are being propagated everywhere in this realm".<sup>8</sup> Even before this council met Winram knew that the future lay outside the Catholic Church. Having attended the council, he cast his lot with his subprior and the Protestant Reformers, successfully encouraging many of those who had flocked to the priory following his religious innovations of 1547 to do likewise.

By 1560 Winram had had over 30 years experience of living his life in wisdom. He had reaped the benefits of being meticulous in his own actions and ensuring that things were done in accordance with the letter of the law. He knew the advantages of being constantly aware of the intentions of others so that, where necessary, he could adapt his actions accordingly. These skills had become ingrained habits which he utilised in every area of his life.

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<sup>8</sup> Patrick, *Statutes*, 150.

As subprior he continued to be alert to what was happening round about the priory. Where he could, he intervened to uphold the interests of the priory with vigour. Even the backing of the Privy Council could not secure Patrick Adamson's success against Winram's rigorous application of the regulations concerning the principalship of St Leonard's. In 1570 it was Winram's alertness to the threat posed by the claims of the archbishop, his ability to gather and motivate his fellow brethren, and his ensuring that the authority given to the priory's procurator was both comprehensive and watertight which prevented the plundering of the priory's assets.

In his business dealings with his family and friends too, Winram was always thinking ahead, anticipating possible problems or areas of future conflict and taking all necessary precautions to preserve his own best interests. He knew the benefits of employing witnesses and ensuring all agreements were formally documented, often in more than one place. Winram's ability to oversee regulations and agreements, to keep and manage competent documentation made him the ideal person to be entrusted with much of the private papers and affairs of his prior, Lord James Stewart. Winram's familiarity with Lord James' affairs ensured he was also one of Annas Keith's greatest friends after her husband's assassination. Winram's capacity to assess and deal with situations, as well as his general proficiency and competence in oversight was also recognised by members of the university, as his repeated election as a deputy rector and as an assessor amply testify. These many skills played a part in securing his second memorable achievement, being Bishop of the Fife men.



## II

***“Bishop of the Fife men”***

Those who elected Winram as their district superintendent expected great things of him. Without his oversight the churches in the district would neither be “suddenlie erected” nor “retened in disciplin and unite of doctrin”.<sup>9</sup> A basic requirement in erecting churches was the examination and admission of clergy. Winram saw this as a priority and took immediate steps to implement a comprehensive policy designed to test the abilities of all existing and intending clergy within his district. His finely honed practice was easily adapted to accommodate the national policy subsequently adopted. Winram was efficient in his examinations and admissions. He conducted many in St Andrews and if he was satisfied with a candidate’s performance would admit him to his benefice well within the statutory one month period allowed. He was careful to record the facts of the procedure and to issue a copy to the incumbent, together with detailed instructions to local ministers who would conduct a ceremony of possession accordingly. If Winram anticipated difficulties over an admission he would undertake the procedure himself, often employing elaborate ceremony and symbolism and specially selected witnesses.

As the district superintendent, Winram was the vital link between the parishes and the national church. To perform his duties efficiently he knew how to get the best out of the resources available to him in his court and his synod. Under his leadership the synod of Fife was a regulating body whose members were drawn from the whole district. It carefully co-ordinated the common affairs of the district, setting down

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<sup>9</sup> *RStAKS*, I, 75.

standards of behaviour and procedure to be observed by all. Its remit was comprehensive, concerning church personnel, worship and rites of passage, and social control. The experiences of the final decade of the Catholic Church had shown the importance of regulating the behaviour of parish incumbents and ensuring that they were competent and carried out their parochial duties diligently. Lists of expected duties were drawn up, giving times and frequencies of preaching and prayers (and stipulating the penalties for defaulters). To assist the parish incumbents in overseeing their charges the synod set out standards of behaviour which the incumbent could expect from his elders and deacons. There were also district-wide practices to be observed by parishioners. Attendance at the Sunday worship was paramount for every member of the community. Baptisms, weddings and funerals were also closely regulated.

The regulations agreed by the synod were to be observed in every parish. There could be no excuse for ignorance. Not only was each parish to send representatives to the synod meetings to hear and participate in the discussions, each incumbent was also provided with a written copy of the pertinent ordinances agreed by the synod. On top of which, each parish was regularly visited by John Winram who would check that the incumbent did indeed possess a copy of the ordinances, and that he was applying them within his parish.

As was typical of Winram, he undertook his parish visitations with considerable pre-planning. He knew in advance when he would visit a particular parish and how long the visit should take. He knew whom he wanted to be in attendance, whom he would interview and the documentation he wanted to inspect. He would send this information in advance to allow the incumbent to assemble the

necessary people and documents. Winram even knew the very questions he would ask of the incumbent to ascertain the behaviour of the parishioners. At the conclusion of a visit he would discuss his findings with the minister and kirk session, formally recording these findings in his Book of Visitation and issuing a copy to the incumbent. Finally Winram would issue summonses to his superintendent's court in St Andrews against particular offenders from the parish.

Winram's obsession with forward planning and careful preparation found a natural outlet in his superintendent's court. Time was allowed between the issuing of a summons and the hearing of a case for careful preparation. Winram wrote official letters on behalf of those appearing before his court to summon witnesses in their defence, as he would do for those pursuing a complaint against another. It was not uncommon for numerous people to be approached to give evidence, either in writing or in person before the court. Informal discussions would be held between pursuants, defendants and kirk elders and deacons to ensure that most cases were at the point of agreement before they were heard before Winram's superintendent's court. This method worked well, with the vast majority of cases reaching resolution. Even if this took several weeks or even months to achieve, the extensive preparation before a matter was heard by the court ensured that the court's time was well regulated and concentrated on those one-off appearances of cases formally to mark their conclusion, rather than on long drawn out legal arguments.

Within only a few years Winram had overseen the establishment of a comprehensive and effective system of ecclesiastical oversight throughout his extensive district. He was without doubt an efficient, competent and dedicated superintendent. The oldest of the five men appointed to this office, Winram was the

last to seek to resign his district. He endured considerable financial hardship and, like others, was willing to meet many of his expenses from his own pocket. His numerous trials before the General Assembly and reported failings (true and false) were never considered sufficient to warrant severe chastisement. Even after he had withdrawn from his duties in 1566-67 his resumption was greeted with a firm endorsement of his authority by the members of his court. His work within Fife was so valued by his colleagues that the General Assembly refused all his pleas for release from his office. When the districts were re-divided and re-assigned Winram was retained. Aged 84, he was considered more suitable to oversee the key area of St Andrews and the East Neuk of Fife than the up-and-coming reformers young enough to be his grandsons. John Winram had overseen the Fife men and women with great diligence and accomplishment.

### III

#### ***Scottish Superintendents***

Thanks to the breadth of evidence which has been found, a comprehensive picture of how the parishes of Fife, its superintendent's court and synod were organised and run during Winram's period as superintendent has emerged. By extrapolating the situation in Fife to a national level a better understanding of how the Reformed Kirk as a whole functioned during the critical first decades after 1560 can be gained. It is apparent that the Scottish superintendents, and later commissioners to plant kirks, were of fundamental importance to the successful establishment of the Kirk in Scotland. In many senses, the superintendents served as the sinews by which the parishes of the Kirk held together.

Superintendents were the first line of attack in attempting to staff the 1000 parishes of Scotland with qualified, competent and morally upstanding incumbents. It was superintendents who monitored patrons, ensuring that they either presented their own nominee within the allowed time span or forfeited the right to the superintendent himself. The superintendents personally examined every candidate presented to a benefice within their district, testing their abilities and determining which office, or offices, the candidate was best suited to fill, or, when necessary, rejecting them as unfit.

Superintendents constantly monitored the existing staff of churches within their districts, recording their admissions, deaths and transferrals and commenting on their application to their duties. To aid the incumbents in the proper discharge of their duties they were supplied with formal written instructions concerning standards of practice and procedure expected of them and of their kirk session that had been

decided within the district synod. They were also informed of the standards of behaviour expected of their parishioners. These written instructions were intended as an *aide-mémoire* to decisions which the incumbent would have been aware of, and indeed had assisted in formulating, since, in theory at least, he had attended the synod meetings in person.

Every parish incumbent participated in the formulation of district-wide regulations by his participating in the synod meetings. These six-monthly, regional gatherings led by the superintendents provided a forum for the exchange of ideas and information and the deciding of local policy and practices. They also provided an opportunity to formulate questions and proposals to be raised at future meetings, and to report back on previous meetings, of the General Assembly. Outwith the synod gatherings the incumbent would receive further reports on the latest decisions made by the General Assembly directly from his superintendent during the annual visitation of his parish. Every incumbent in the country was firmly connected to both a district-wide and a nation-wide network of communication.

This constant supply of information helped to ensure uniformity of practice in key areas throughout all the parishes of Scotland. Rules and regulations, practices and procedures which were intended to be applied throughout the country were disseminated down to each individual parish *via* the superintendents and/or written instructions issued by their synods. A check on the implementation of these regulations was provided by the regular parish visitations carried out by superintendents. These visitations were not mere formality. They were designed to have a cumulative effect. Each successive visitation re-examined the faults uncovered at the previous one and considered what progress had been made towards



their resolution. Buildings, glebes, registers, incumbents and parishioners were all subject to the superintendents' scrutiny. If necessary a swift repeat visit could be conducted to monitor the incumbent's compliance with his superintendent's instructions for remedy.

The assistance of the district superintendent was always available, especially when help was needed to impose disciplinary measures on obstinate offenders. By removing the most difficult disciplinary matters from the local parishes a source of local dissent was also removed. The partisan groups which could form around troublesome offenders, or local dignitaries who refused to be subject to the kirk session, could now focus their disagreements with the Kirk on the superintendent and his court, meeting in his principal town of residence, instead of directly upon the local incumbent. In the early years after 1560 while the Kirk was establishing itself the avoidance, or tempering, of damaging splits within a parish was to be welcomed.

Incumbents could either report problem parishioners to their superintendent during his visitation, together with details of the local attempts made to deal with the matter, or report them directly to the superintendent in his court. Either way the matter would be handled in a similar manner. As part of local inquiries witnesses would be examined and reports submitted to the superintendent's court. Often the fact of being summoned before the superintendent was sufficient incentive for a stubborn offender to admit their guilt and subject themselves to the church's discipline. That done they would be referred back to their own parish to perform their acts of public repentance in their local kirk. If a case was not conceded by a defendant but went to trial before the superintendent and his court the necessary witnesses were summoned to appear on a given day and the case often decided the

same day in light of their testimony. The court was quite prepared to hear heavily contested cases over a long period of many months and, in Fife at least, most of these prolonged cases were also settled.

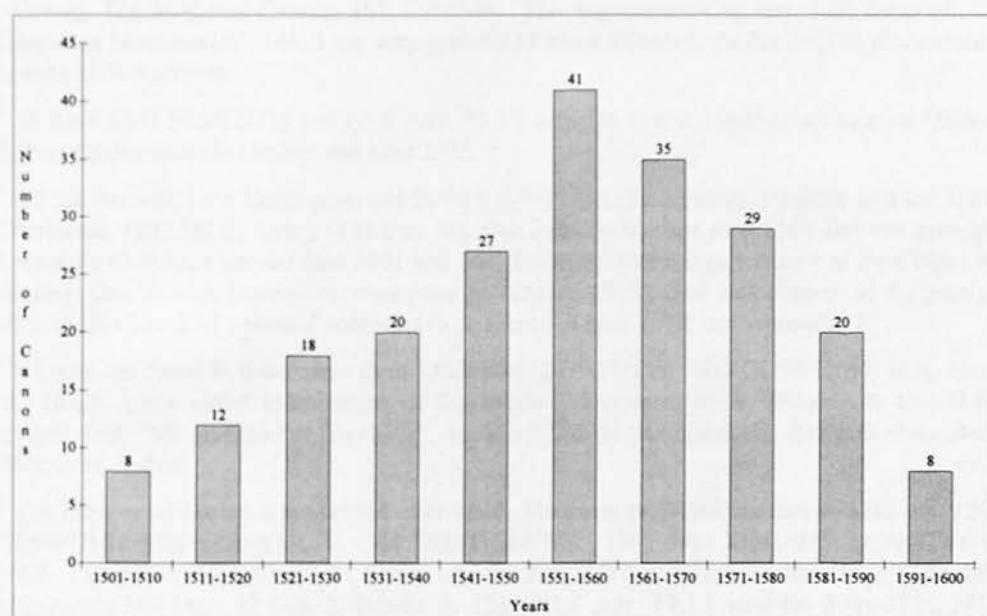
Superintendents were immensely important to the Reformed Kirk in Scotland in establishing effective practices and procedures which linked parishes and oversaw regions in the crucial years immediately following the Reformation. The responsibility for ensuring that parishes were staffed with competent clergy was theirs. They formed the vital links which transmitted information between parishes and districts and the General Assembly. They provided the firm hand of discipline when local efforts failed. It is of little surprise that the General Assembly so valued the superintendents that it refused to allow any of them to resign their office. Their success was acknowledged as the activities and duties of the commissioners to plant kirks gradually came to mirror those of the superintendents. Not until presbyteries were firmly established and sufficiently well ordered that they could provide the same breadth and depth of service to a district was the office of superintendent abandoned.

John Winram's particular skills and habits, especially his capacity to assess situations and think ahead, undoubtedly contributed to his ability to discharge his duties as superintendent of Fife with such efficiency. By examining some of the key stages of Winram's extensive ecclesiastical career the complex motivations and the developing convictions which guided him have been seen. His behaviour in 1559, which some historians have branded hypocritical, was in fact the next logical step in the journey which he had been on for over thirty years. Having stood outside the shadow cast by John Knox, this study has revealed the contribution which another

great reformer made to the Church in Scotland, both Catholic and Reformed, throughout much of the long sixteenth century.

## Appendix 1: Canons in St Andrews' Priory

Estimating the number of canons in the chapter of St Andrews in any given year is difficult because the records are incomplete. Even so, attempts have been made to calculate the number of canons in successive decades by adding together figures for particular years, where such information is available. The totals, given below, for each decade 1501-1600 are almost certainly overestimates because it has been assumed that all canons identified for any particular year were present throughout the whole decade being reviewed.



Graph 1: Maximum Numbers of Canons in St Andrews' Priory per Decade, 1501-1600

The trend in the decades before the Reformation shows a continuous increase in the number of canons in the chapter. In the decade immediately before the Reformation there were more canons in St Andrews than in any other monastery in Scotland.<sup>1</sup> In 1555 there were at least thirty canons.<sup>2</sup> In addition, three names were each apparently shared by two canons.<sup>3</sup> An estimate of the size of the priory at the Reformation must also include nine canons documented only after 1560. Since the priory would have admitted no new members after the Reformation Parliament in August 1560 these nine must have been members of the pre-Reformation community.<sup>4</sup> Hence, ignoring the double identities, St Andrews' priory numbered between thirty-five<sup>5</sup> and forty-one<sup>6</sup> during the decade 1551-1560. The renewed

<sup>1</sup> Cowan, *The Medieval Church*, 167. Dilworth, 'The Augustinian Chapter', 132; Dilworth, 'Scottish Cistercian Monasteries', 146. I am very grateful to Mark Dilworth for his helpful discussions on the canons of St Andrews.

<sup>2</sup> 28 from SRO B65/22/323 and NLS Adv. 17.1.3 new fos 11r+v, together with James Baldov, and Robert Ogilvy recorded before and after 1555.

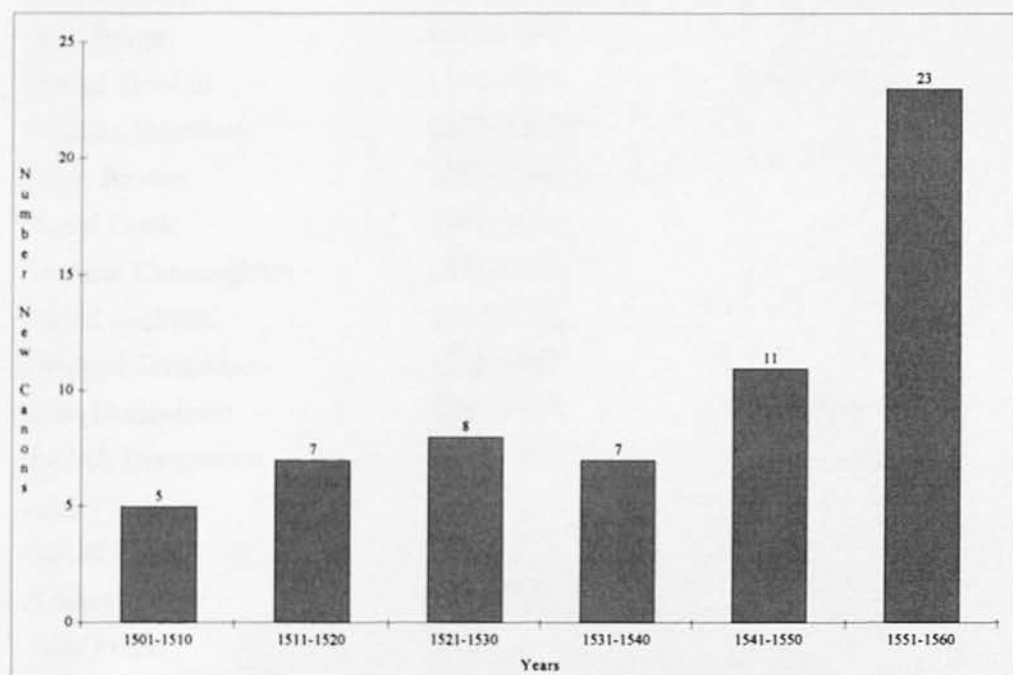
<sup>3</sup> Patrick Bonkill, John Duncanson and Patrick Duncanson. Two Patrick Bonkills sign the 1584 Laing Charter no. 1082 [EUL, Laing 1455 Box 38]. One John Duncanson died 1566 and was principal of St Leonard's College, a second died 1601 and was, amongst other things, minister at the Chapel Royal in Stirling. One Patrick Duncanson died prior to January 1565/6 and was chanter of the priory, [SRO NP1/26, fos 28v-29r] a second continues to be recorded until 1570. See Appendix 2.

<sup>4</sup> All nine are found in documents from 1562. SRO GD90/1/163; SRO GD90/1/164; St A. Muniments SL110.C6. Ultra violet examination of the original document, St A. Muniments SL110.PW.114, reveals that "Mr Alexander [Fairlie?]", so identified in the index, is the well documented Mr Alexander Jarden.

<sup>5</sup> The number of canons documented after 1560. The main post-Reformation sources are: 1562 SRO GD90/1/164; SRO GD90/1/165; 1564 SRO GD68/1/56; 1566 SRO RH6/2015; *Laing Chrs.* no. 809 [EUL, Laing 607, Box 18]; SRO CS7/45, new fos 229r-231v at 231r; SRO NP1/26, fos 28v-29r; St A. Muniments MS Dep. 82 Box 2, Bundle 7; 1567 NLS Adv. 17.1.3 new fos 370v-371r, 371r-371v, 372v-373r; SRO NP1/26, fos 50v-51r, 51v-52r, 52r, 52v, 55r, 55v, 56r, 56v, 57r, 61v-62r, 63r+v, 65r, 84r+v; 1570 St A. Muniments SL110.PW.114; SRO NP1/26, fos 101r-103v; NLS Adv. 17.1.3 new fos 355v; 1571 St A. Muniments SL110.S.19; SL110.S.20; UY.110/8; 1572 NLS Adv. 17.1.3 new fos 391v-392r; *BUK*, I, 222; SRO NP1/26, fos 100v-101r, 127v-128v, 129v-130r; 1574 *Wodrow Misc.*; 1581 St A. Muniments MS Dep. 82 Box 1, Bundle 1, no. 3; 1583 SRO GD124/8/213; SRO GD124/8/215; 1584 St A. Muniments SL110.D2; *Laing Chrs.*, no. 1082 [EUL, Laing 1455 Box 38]; SRO GD45/16/2712; 1585 St A. Muniments SL110.E2.2; 1586 St A. Muniments SL110.E2.10; 1587 St A. Muniments MS Dep. 82 Box 1, Bundle 1, No. 6; 1590 SRO GD45/16/2715; St A. Muniments MS Dep. 82 Box 1, Bundle 1, no. 8; 1597 St A. Muniments SL110.E2.8; 1605, SRO GD124/8/218.

<sup>6</sup> Thirty-two canons documented in the decade previous (the thirty found in 1555 plus John Law found in 1553, and Thomas Preston found in 1554) together with the nine canons documented only after

vitality of the priory in the decade following the religious innovations introduced in St Andrews in 1547 is suggested by the increase in the number of new canons who entered the priory at that time. 1501 to 1540 saw a slow but steady increase of about eight new canons each decade. This is small compared with the twenty-three new canons who entered in the decade 1551-1560.



Graph 2: Numbers of Canons Entering St Andrews' Priory per Decade, 1501-1560

1560. M. Dilworth's proposal that "John Allanson, found only in a transcript of a document of 1584 (*Laing Chrs.*, 1082), is probably a ghost, a mis-reading of John Duncanson". (Dilworth, 'The Augustinian Chapter', 133 notes) is confirmed on examination of the original charter, SRO GD45/16/2712. The unidentified "Alexander ----", cited in *Laing Chrs.* no. 809, is, on examination of the original manuscript [EUL, Laing 607, Box 18], the well documented Alexander Muir. M. Dilworth includes Mr Duncan McClaggane in his reckoning of canons on the basis that all vicars of Dull were canons and McClaggane occupied the "hortis, toftis et croftis" of Dull on 14 February 1560/1 (*RMS* 6/1730). However, although he rose to become minister/vicar of Dull at a later date, in 1560 McClaggane was only the curate (8 December 1560, SRO GD50/130/177), canon David Guthrie was vicar. It is most unlikely that a canon of the priory would have been engaged as a curate in one of its appropriated churches. The general argument that after 1560 vicars of Dull continued to be drawn only from canons cannot be sustained. Other churches served by vicars drawn from the canons before the Reformation were, after 1560, also served by non-St Andrews canons, e.g. Andrew Row, canon of Cambuskenneth, was vicar of Fowlis-Easter 28 November 1560 (Haws, *Scottish Parish Clergy*, 308).



**Table 7: Canons in St Andrews' Priory, 1501-1600**

<u>Name</u>	<u>Known Dates</u> <sup>7</sup>	
Robert Achesoun	1553-1555	
Alexander Alan/Alesius	1527-1534	
John Annand	1511-1546	
James Baldovy	1526-1557	
Andrew Balloun	1522	
Thomas Biggar	1562-d.1605	
John Bonar	1512-1545	
Patrick Bonkill	1555-1601	2 individuals
William Bradfoot	1562-d.1595	
Hugh Brown	1517-1546	
David Cook	1548-1584	
Thomas Cunningham	1532-1550	
David Dickson	1507-1525	
Michael Donaldson	1521-1548	
John Duncanson	1541-d.1601	2 individuals
Patrick Duncanson	1548-1570	2 individuals
Henry Echlyn	1546	
David Fairly	1511-1512	
Andrew Fethe	1555-1562	
John Fethe	1530	
John Fleager	1548-d.1582	
John Goodfellow	1551-1572	
William Gunde/Guthin	1497-1522	
David Guthrie	1535-c.1573	
Adam Heriot	1555-d.1574	
Alexander Jarden	1562-d.1605	
Ancelm Kincaird	1507	
Patrick Kinloch	1555-1611	

<sup>7</sup> These are the span of year dates for which evidence survives, not definitive dates for when each canon was in the priory. Those canons for which evidence begins in 1562 have, for the purposes of the graphs above, been counted as members of the priory from 1560. Those canons who signed the undated receipt for the return of priory valuables from Lochleven, NLS MS73 fo 10, have been dated as being in the priory in 1548.

<b><u>Name</u></b>	<b><u>Known Dates</u></b>
Thomas Kinneir	1507-1511
William Knollis	1516-1525
John Law	1527-d.c.1554
John Lawmonth	1550
David Leirmonth	1491-1506
Adam Lygat	1535
Alan Meldrum	1506-1533
Walter Moneypenny	1465-1506
Alexander Muir	1555-1581
John Nisbet	1540-1555
John Ogilvy	1539
Robert Ogilvy	1534-d.c.1576
David Peebles	1530-d.1579
Thomas Preston	1509-1554
Peter Ramsay	1555-d.1581
John Ranton	1555-1589
David Robertson	1555-1588
John Rule	1562-1597
Ninian Rule	1562-1590
Alexander Sauchy	1555-d.1575
John Scott	1548-1586
John Simpson	1562-d.1581
Archibald Skirling	1555-1572
David Smith	1548-1562
John Smith	1536-1576
Alexander Spens	1562-d.1568
Nicholas Spittle	1555-d.1576
James Thomson	1548
James Traill	1548-1566
John Ure	1555-c.1602
Peter Watson	1562-d.1586
James Weymes	1515-1555
John Williamson	1562-1590
William Wilson	1548-c.1566
John Winram	1527-d.1582
Alexander Young	1517-c.1550

## Appendix 2: Fasti of post-Reformation St Andrews' canons

### **Thomas Biggar, 1562-1605.<sup>1</sup>**

b.c.1540, d. 4 January 1605. Minister of Kinghorn Easter 1564 until his death. In 1574 Kinghorn Wester and Auchtertool were also under his charge. Married Elizabeth Colvin and had issue: Thomas, reader in Kinghorn Easter and scribe to the Session; Elizabeth.

(SRO RH6/2015; SRO E14/1, fo 38r; SRO CC8/8/43 fo 296r; NLS Adv. 17.1.3 new fos 143r+v; *BUK*, I, 222; *RStAKS*, I, 176 notes, 248 and notes, 249, 250; *Reg. Of Min.*, 25, 78; *Wodrow Misc.*, 362; *Thirde of Benefices*, 242; *Theatre of morality*, 207; *Fasti*, V, 93; *Fasti*, VII, 428; Haws, *Scottish Parish Clergy*, 17, 137, 137-138, 255)

### **Patrick Bonkill, 2 individuals, 1555-1601.**

d. between 1601 and 1607. Minister of Newdosk in 1563; minister of Fordoun in 1563, 1565, 1566, 1567, 1568, 1569 - with Fettercairn and Newdosk in 1563, 1567, 1568, 1569; minister of Pallady in 1572; translated to Conveth (Laurencekirk) before 1574; minister of Conveth, Fordoun, Fettercairn and Newdosk in 1574; returning to Fordoun with Conveth c.1576; minister of Fordoun and Newdosk 1580-1585; still minister of Fordoun in 1601. Married and had issue: Elizabeth.

(SRO RH6/2015; SRO E14/1, fo 137v; SRO E14/2 fo 85v; NLS Adv. 17.1.3 new fo 138v; *BUK*, I, 222; *Reg. Of Min.*, 21, 76; *Wodrow Misc.*, 'Register' 349; *Thirde of Benefices*, 234; *Fasti*, V, 461, 467, 476; *Fasti*, VII, 501; Haws, *Scottish Parish Clergy*, 46, 86-87, 90, 189-190, 256)

### **William Bradfoot, 1562-1595.**

d. 18 March 1594/5. Minister of Falkland (Kilgour) and Strathmiglo 1567-1574; also minister of Lathrisk in 1566, 1567, 1568, 1569, 1570, 1572; had charge of Kettle in 1569; translated from Falkland to Markinch in 1576; presented to parsonage and vicarage of Ballingary in 1580; presented to vicarage of Markinch in 1583; translated to Portmoak in 1590. Married Elizabeth, sister of William Lundie in Suther Fawfield, who survived him and had issue: Henry; David; Beatrix; Margaret; Elspeth.

(SRO E14/1, fo 89r; SRO E14/2 fo 92r; NLS Adv. 17.1.3 new fos 140r+v; *BUK*, I, 222; *Reg. Of Min.*, 24; *Thirde of Benefices*, 242; *Fasti*, V, 58, 73, 112, 152, 173; *Fasti*, VII, 417, 447, 452; Haws, *Scottish Parish Clergy*, 124, 156-157, 229, 257)

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<sup>1</sup> These are the years for which the canons are known to have been associated with St Andrews' priory. In general, specifically identified years are given for incumbencies unless a year span is given in *Fasti* or by Haws,

**David Cook, 1548-1584.**

Reader at Lathrisk in 1566; reader at Rossie in 1566, 1567, 1574; reader at Fowlis in 1566; reader at Longforgan in 1575; reader at Inchtute in 1575.

(SRO RH6/2015; SRO CS7/60 fos 282v-283r; NLS Adv. 17.1.3 new fos 139r+v; *Reg. Of Min.*, 20; *Wodrow Misc.*, 'Register' 353; *Fasti*, V, 158, 344; Haws, *Scottish Parish Clergy*, 156-157, 209-210, 262)

**John Duncanson - 2 individuals, [1541]-1566 and 1601.**

[1] d. December 1566, appointed principal St Leonard's College, St Andrews, before Martinmas 1552.

(SRO RH6/2015; *Fasti*, VII, 412)

[2] b.c. 1501, d. October 1601. Minister of Stirling 1560, 1563, 1566, 1572; presented to Newdosc and Edzell in 1571 which he demitted in 1573; minister to the King/Chapel Royal in 1567, 1568, 1570, 1571, 1572, 1574, 1575, 1576, 1580; visitor to plant kirks in Menteith in 1563; moderator of General Assembly in 1574; appointed by the Generall Assembly as commissioner to plant kirks in Galloway in 1588. Married (1) Janet Watson, (2) Margaret Kenzow who survived him and had issue: James, minister Alloa; William, apprenticed to Harry Smith, cutter, Edinburgh, January 1593/4; Walter, apprenticed to Robert Middleton, tailor, Edinburgh, March 1594/5; Marion, married Alexander Hume, minister Logie.

(SRO E14/1, fos 7r, 115r, 53r, 96r, 119v; SRO E14/2 fo 146v; SRO CC8/8/36 8 February 1602 (no pagination); NLS Adv. 17.1.3 new fos 166v-167r, 196r, 360r; *BUK*, I, 35, 40, 156, 186, 200, 204, 222, 289, 293, 295, 299, 325; *BUK*, I, 337 - II, 737 *passim*; *BUK*, III, 942, 969; *RStAKS*, I, 103 and notes; *Treasurer Accts*, XIII, 101, 307; *Reg. Of Min.*, I, 71; *Wodrow Misc.*, 'Register' 365; *Thirds of Benefices*, 250, 262, 290; *Fasti*, IV, 317, 331; *Fasti*, V, 390; *Fasti*, VII, 439; Haws, *Scottish Parish Clergy*, 224, 225, 245, 268)

**Patrick Duncanson, 2 individuals, 1548-1570.**

[1] d. before January 1565/6. Chanter of St Andrews' priory. Not known to have served in the Reformed Kirk.

(SRO NP1/26 fos 28v-29r)

[2] No information. Not known to have served in the Reformed Kirk.

**Andrew Fethie, 1555-1562.**

No information. Not known to have served in the Reformed Kirk.

**John Fleager, 1548-1582.**

d. December 1582. Reader at Forgan in 1566; reader at Leuchars in 1574; shared the senzie house within St Andrews' priory with John Winram. Married Janet Rowll, who survived him, and had issue: John; Robert.

(SRO RH6/2015; SRO CC20/4/2 fos 14r+v; St A. Muniments SL110.E2.3; *Wodrow Misc.*, 'Register' 365; *Fasti*, V, 203; Haws, *Scottish Parish Clergy*, 91, 160, 271)

**John Goodfellow, 1551-1572**

d. before May 1572. Minister of Egglisgreg (or St Cyrus) in 1563, 1566, 1567, 1568-1569, 1572; minister of Benhome in 1563, 1567, 1568-1569; minister of Longforgan in 1571.

(SRO RH6/2015; NLS Adv. 17.1.3 new fos 146v-147r; *BUK*, I, 222; *Reg. Of Min.*, 21; *Thirde of Benefices*, 234; *Fasti*, V, 351, 454, 481; *Fasti*, VIII, 516, 525; Haws, *Scottish Parish Clergy*, 24, 77-78, 275)

**David Guthrie, 1535-1573.**

d. before August 1573. Third-prior of St Andrews from before December 1535; vicar Dull from before October 1555 until his death.

(SRO RH6/1117; SRO E14/1, fos 96r, 116r+v, 131r; NLS Adv. 17.1.3 new fos 167r, 195v; *Treasurer Accts*, XI, 326; *Fasti*, VIII, 354)

**Adam Heriot, 1555-1574.**

b.c.1514 of the family of Trabroun, East Lothian. d. August 1574. Minister of St Andrews 1560; translated to Aberdeen in July 1560, demitting his charge in 1573 (retaining the vicarage of St Andrews to his death); one of three men put forward for election as superintendent of Aberdeen in 1562; presented to the parsonage and vicarage of Rathen in May 1569 but probably not settled; was allowed the thirds of Rathen 1570-1571 and after his death described at the late vicar parson of Rathen. Married Euphemia Scheves who died in February 1568/9.

(SRO RH6/2015; SRO E14/1, fos 24r, 104v, 111r, 116r, 121r; NLS Adv. 17.1.3 new fo 355v; *BUK*, I, 27, 79, 103, 136; *RStAKS*, I, 3 and notes, 137; Knox, *Works*, I, 87; *Reg. Of Min.*, 63; *Thirde of Benefices*, 221, 242, 247; Kirk, *Books of Assumption*, 446; *Fasti*, V, 230, *Fasti*, VI, 35, 238; *Fasti*, VIII, 467; Haws, *Scottish Parish Clergy*, 3, 213, 281)

**Alexander Jardine, 1562-1605.**

d. August 1605. Minister of Kilspindie, Inchesture, Monimail and Raith in 1563, 1564; minister of Inchesture in 1566; admitted minister of Monimail in August 1568; had Collessie in his charge in 1568-1569, 1570, 1572, 1573; had Collessie, Auchtermuchty and Abdie in his charge in 1574, 1576; removed from Monimail to Collessie, Auchtermuchty and Abdie in 1578; returned to Monimail in 1579. Suspended from ministry between September 1563 and July 1564 for pre-nuptial fornication. Married Catherine Kidd and had issue: James.

(SRO RH6/2015; SRO E14/1, fo 137v; SRO CC8/8/40 fos 340r-341r; *BUK*, I, 45, 50; *BUK*, II, 433; *RStAKS*, I, 186-187 and notes; *Reg. Of Min.*, 24, 79; *Wodrow Misc.*, 'Register' 364; *Thirde of Benefices*, 243; *Fasti*, IV, 213; *Fasti*, V, 133, 165, 342; Haws, *Scottish Parish Clergy*, 2, 16, 44, 110, 133-134, 182, 203, 283)



**Patrick Kinloch, 1555-1611.**

d. between July 1611 and December 1612. Minister of Linlithgow 1561 until his death. In 1574, with the assistance of readers, he had oversight of Kinkell, Carriddin and Binning; requested by the town council of Edinburgh to be a minister there in 1584, though nothing came of it. Married Helen Bell and had issue: Patrick; Andrew; Agnes, married Robert Hally, minister Airth; Elspeth; Marian; David.

(SRO E14/1, fo 107r; SRO CS7/45 fos 229r-231r; *BUK*, I, 222; *Reg. Of Min.*, 6, 72; *Wodrow Misc.*, 'Register' 366; *Fasti*, I, 214; Haws, *Scottish Parish Clergy*, 25, 38, 140-141, 162, 286)

**Alexander Muir, 1555-1581**

Minister of Falkland in 1566; exhorter at Falkland and Lathrisk in 1566; exhorter at Lathrisk in 1567; exhorter at Lathrisk and Kettle in 1568; exhorter at Falkland with Auchtermuchty in 1569; minister of Falkland with Auchtermuchty in 1570; minister of Falkland in 1571; minister of Falkland with Auchtermuchty in 1572; exhorter at Falkland in 1573; removed to Strathmiglo before 1574 with Falkland, Lathrisk, and Kirkforthar also in his charge; minister of Strathmiglo in 1576; minister of Falkland in 1581 when he was to be restored to his ministry after suspension from office for marrying divorcees and conducting private baptisms.

(SRO RH6/2015; SRO NP1/26 fo 135r; NLS Adv. 17.1.3 new fo 142r; *BUK*, I, 222; *BUK*, II, 524; *Reg. Of Min.*, 24, 79; *Wodrow Misc.*, 'Register' 364; *Thirds of Benefices*, 244; *Fasti*, V, 152, 174; *Fasti*, VIII, 445, 447; Haws, *Scottish Parish Clergy*, 16, 124, 147, 156-157, 229, 298)

**Robert Ogilvy, 1534-1577**

d. before February 1576/77. Vicar of St Andrews in 1534, 1535, 1539, 1546; held vicarage of Leuchars from before 1548 until his death. Not known to have served in the Reformed Kirk.

(SRO E14/1, fo 138r; St A. Muniments, UY305/1, 100; *St A. Rent.*, 50; *Evidence, Oral and Documentary*, III, xix; RMS 4/220, 4/282; *Fasti*, VIII, 461; Haws, *Scottish Parish Clergy*, 160-161)

**David Peebles, 1530-1579.**

d. December 1579. Married Catherine Kinneir, who survived him dying in August 1592, and had issue: Thomas; Andrew. Composed music for the "St Andrews' Psalter". Not known to have served in the Reformed Kirk.

(SRO CC8/8/7 fos 293r-294r; SRO CC20/4/2 fos 258r+v)

**Peter Ramsay, 1555-1581**

d. March 1580/1. Brother of Thomas Ramsay, portioner of Kingsbarns. Minister of Dairsie in 1566, 1567, 1572, 1574, 1576, 1578, 1581; minister of Kemback in 1576.

(SRO RH6/2015; SRO CC8/8/9 fos 73r+v; SRO CS7/55 fos 79r+v; NLS Adv. 17.1.3 new fo 144r; *BUK*, I, 222; *RStAKS*, I, 256, 431; *Reg. Of Min.*, 24; *Wodrow Misc.*, 'Register' 365; *Fasti*, V, 148; Haws, *Scottish Parish Clergy*, 57, 304)



**John Ranton, 1555-1589**

Reader and exhorter at Portmoak and Markinch in 1566; reader at Portmoak and Markinch in 1567; reader at Markinch, 1574, 1585-1589; reader at Portmoak in 1579.

(SRO RH6/2015; SRO CS7/76 fos 61v-62r; NLS Adv. 17.1.3 new fos 144v-145r; *Reg. Of Min.*, 24; *Wodrow Misc.*, 'Register' 362; *Fasti*, V, 73; *Fasti*, VIII, 421, 432; Haws, *Scottish Parish Clergy*, 175, 201, 306)

**David Robertson, 1555-1588**

Minister of Tealing 1563, 1567, 1568, 1569; minister of Rossie 1566, 1567, 1570, 1572, 1574 (with Inchesture and Kinnaird), 1575; translated to Inchesture before 1585 (with Kinnaird and Rossie in his charge); minister of Inchesture and Rossie in 1588.

(SRO RH6/2015; SRO E14/1, fo 42r; SRO CS7/60 fos 296v-297r; NLS Adv. 17.1.3 new fos 139v-140r; *BUK*, I, 222; *Reg. of Min.*, 20; *Wodrow Misc.*, 'Register' 353; *Thirds of Benefices*, 232; *Fasti*, V, 342, 344, 369; *Fasti*, VIII, 491; Haws, *Scottish Parish Clergy*, 110, 139-140, 209-210, 234, 307)

**John Rule, 1562-1597**

No information. Not known to have served in the Reformed Kirk.

**Ninian Rule, 1562-1590**

No information. Not known to have served in the Reformed Kirk.

**Alexander Sauchy, 1555-1575**

d. December 1575. Reader at Kennoway, Scoonie and Methill in 1566; reader and exhorter at Scoonie in 1567; reader at Kennoway in 1567, 1573; reader at Scoonie and Kennoway 1574; reader at Kennoway in 1575. Married Elspeth Heriot and had issue: Alexander.

(SRO RH6/2015; SRO E14/1, fos 101v; 125r; SRO CC8/8/4 fos 108v-109r; NLS Adv. 17.1.3 new fo 138r; *Reg. of Min.*, 25; *Wodrow Misc.*, 'Register' 362; *Fasti*, V, 91; *Fasti*, VIII, 426, 433, 434; Haws, *Scottish Parish Clergy*, 119, 178, 218, 309)

**John Scott, 1548-1586**

Provisor of St Leonard's College. Married and had issue: Thomas; George. Not known to have served in the Reformed Kirk.

(SRO E14/2 fo 85r)

**John Simpson, 1562-1581**

d. November 1581. Brother to Thomas Simpson. Minister of Kennoway in 1564; minister of Scoonie and Kennoway 1566, 1567, 1571; minister of Scoonie and Kennoway with Markinch and Methill in 1574; minister (and schoolmaster) of Kennoway in 1575; minister of Scoonie in 1576; removed to Kennoway c. 1580; minister of Kennoway in 1581. Married Janet Ballingal, who survived him and married (2) James Law burgess of Dysart.

(SRO RH6/2015; SRO E14/1 fo 125r; SRO E14/2 fo 80v; SRO CC8/8/10 fos 337r-338r; SRO CS7/55 fos 79v-80v; NLS Adv. 17.1.3 new fos 141v, 143r-144r, 363r+v; *RStAKS*, I, 221; *RStAKS*, II, 675; *Reg. of Min.*, 25, 78; *Wodrow Misc.*, 'Register' 362; *Fasti*, V, 91, 116; Haws, *Scottish Parish Clergy*, 119, 175, 178, 218, 311)

**Archibald Skirling, 1555-1572**

No information. Not known to have served in the Reformed Kirk.

**David Smith, 1548-1562**

No information. Not known to have served in the Reformed Kirk.

**John Smith, 1536-1576**

Reader at Fordoun in 1563; exhorter at Fordoun and Inchesture 1566; reader and exhorter at Fordoun and Inchesture in 1567; reader at Rossie in 1567; reader at Fordoun 1574, 1576; reader at Inchesture in 1576.

(SRO RH6/2015; SRO CS7/60 fos 294v-295r; NLS Adv. 17.1.3 new fo 141r; *Reg. of Min.*, 20, 77; *Wodrow Misc.*, 'Register' 353; *Thirds of Benefices*, 235; *Fasti*, V, 342, 352; Haws, *Scottish Parish Clergy*, 90, 110, 169-170, 312)

**Alexander Spens, 1562-1568**

d. November 1568. Minister of Kilconquhar 1559-1565; accused before General Assembly in June 1565 of not administering communion at Kilconquhar for six years; translated to Cupar c. 1567; minister of Cupar in 1567; minister of Cupar and Auchtermenzie in 1568.

(*BUK*, I, 4, 58; *Reg. of Min.*, 24; *Thirds of Benefices*, 244; *Fasti*, V, 141, 208; *Fasti*, VIII, 459; Haws, *Scottish Parish Clergy*, 56, 123, 133, 312)

**Nicholas Spittle, 1555-1576**

d. April 1576. Minister of Fowlis Easter in 1563; minister of Foulis, Forgund and Liff in 1566; minister of Foulis and Benvie 1567, 1568; minister of Foulis, Benvie and Forgund 1569-1572; transferred to Benvie before 1574; removed to Forgund in 1576.

(SRO RH6/2015; SRO CC8/8/5 fos 141v-142r; NLS Adv. 17.1.3 new fo 144v; *BUK*, I, 222; *RStAKS*, I, 163 and notes; *Reg. of Min.*, 20; *Wodrow Misc.*, 'Register' 353; *Thirds of benefices*, 250, 251; *Fasti*, V, 350, 351, 357; *Fasti*, VIII, 492, 492; Haws, *Scottish Parish Clergy*, 24, 94, 110, 169-170, 172, 313)

**James Traill, 1548-1566**

No information. Not known to have served in the Reformed Kirk.

**John Ure, 1555-1597**

d. before August 1602. Minister of Leuchars 1563, 1564; appointed to Menteith by General Assembly in June 1564 because of knowledge of Gaelic but does not appear to have settled; returned to Leuchars before 1566; minister of Leuchars in 1567 (with Forgund), 1572, 1576, 1581 (with Forgund), 1589, 1596; appointed by the General Assembly as commissioner to visit kirks in Fife in 1576; assessor to archbishop of St Andrews 1586, 1588.

(SRO CS7/55 fos 162v-163r; NLS Adv. 17.1.3 new fos 138v-139r; *BUK*, I, 47, 222, 368, 379; *BUK*, II, 667, 708; *RStAKS*, I, 158, 161 and notes; *RStAKS*, II, 646; *Reg. of Min.*, 23, 79; *Wodrow Misc.*, 'Register' 365; *Fasti*, V, 221; Haws, *Scottish Parish Clergy*, 91, 160, 318)

**Peter Watson, 1562-1586**

d. January 1585/6. Son of Mr John Watson, brother of Charles Watson. Minister of Ballingary in 1561; transferred to Markinch before 1563; minister of Leslie Markinch and Kirkforthar in 1563; minister of Markinch with Kinglassie, Leslie, Portmoak and Kirkforthar also in his charge in 1564; minister of Markinch 1566, 1567; minister of Leslie, Markinch and Kirkforthar in 1568; minister of Kinglassie 1568-1570, 1572; minister of Markinch in 1572; translated from Markinch to Dumfries c.1574 (Terregles, Troqueer and New Abbey being in the charge); minister of Dumfries in 1576; transferred to Flisk c.1580; parson of Flisk in 1585; appointed by the General Assembly as commissioner to visit kirks in Nithsdale and Annandale 1575-1582 (tried in October 1577 for conducting private marriage). Married Christian Stanehouse, who survived him, and had issue: John, minister of Kirkton; William, minister of St Giles, Edinburgh; George; Janet; Margaret; Elizabeth.

(SRO RH6/2015; SRO CC8/8/15 fos 114v-116r; *BUK*, I, 222, 318, 334, 337, 354, 359, 365, 393; *BUK*, II, 416, 429, 436, 470, 537; *RStAKS*, I, 83, 84 and notes, 86; *Reg. of Min.*, 24, 88; *Wodrow Misc.*, 'Register' 390; *Thirds of Benefices*, 244; *Fasti*, II, 263; *Fasti*, V, 57, 112, 155, *Fasti*, VIII, 429, 432; Haws, *Scottish Parish Clergy*, 19, 67, 138, 147, 159, 165, 175, 234, 239, 319)

**John Williamson, 1562-1590**

Reader Dairsie 1577.

(SRO E14/1 fo 147r; NLS Adv. 17.1.3 new fos 140v-141r; *Fasti*, VIII, 444)

**William Wilson, 1548-1566**

No information. Not known to have served in the Reformed Kirk.

### Appendix 3: St Andrews' University Muniments MS 30451

This manuscript comprises four large folded sheets, bearing the same watermark, and originally secured in the middle with a stitch to give a cover and six folios, the first of which is blank. Large portions of the front cover and first three folios are missing, possibly destroyed by damp or vermin. What little remains of the cover gives no clue to either the origin or the contents of the document. Although damaged, the document is complete with no missing folios. The first written folios contain a list of over twenty-two questions to be asked during a parish visitation.<sup>1</sup> The remaining four written folios record fifty-two enactments of an unnamed ecclesiastical court. This court was, in all probability, the synod of Fife.

Many enactments can be traced directly to acts of the General Assembly, some substantially to Assembly acts, still others to *The First Book of Discipline*, but numerous acts have no known antecedents. All of the enactments, regardless of their known antecedents, deal only with sub-national concerns, competent before the synod, with extensive references to the superintendent and his synod. Some of these references talk of "this jurisdiction" and are specific to the superintendent and ministry of St Andrews.<sup>2</sup>

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<sup>1</sup> Due to damage to the manuscript the precise number of questions cannot be determined. These questions have no known contemporary equivalent in Scotland. A set of five, more general areas of investigation was issued by James VI in 1586 to the visitor of Dunblane. *Visitation of Dunblane*, xvii-xviii. The King also issued a set of sixteen points to be investigated to the visitor of Lothian, *Visitation of Dunblane*, xviii-xix, 3, but these too are less specific than those issued by the synod of Fife.

<sup>2</sup> StA MS 30451 fos 5r, 6v, 7r items 3, 19, 28 ("item" numbers and letters refer to the identification of clauses as given in the transcript).

Internal evidence suggests that the document was compiled *c.*1570.<sup>3</sup> Nevertheless it is unlikely that the impetus behind its compilation was the Assembly's decision, in July 1569, to appoint John Spottiswoode, John Knox, John Craig and David Lindsey to:

revise the acts of the General Assemblies, and note the acts quhich concern the common affairs of superintendents and ministers, and cause the samen to be printed; and also the form of excommunication with the inauguration of the superintendents and ministers.<sup>4</sup>

Unlike the form of excommunication which was duly published in later that year, the St Andrews' document is in manuscript.<sup>5</sup> Nor does the contents of the St Andrews' document fulfil the remit of the Assembly instruction. Some of the pre-July 1569 Assembly acts which concerned the common affairs of the superintendents and ministers are not included (for example, there is no reference to the synods' virtual monopoly over questions and petitions destined for the Assembly). The manuscript is more sophisticated than a mere compilation of acts concerning the common affairs of ministers and superintendents. Rather than being nationally applicable the document is district-specific. It combines the form of questions to be asked during visitations with pertinent acts, derived from a variety of sources including the synod, which were to be observed within the parishes of Fife. The intended use of the document is recorded within its own pages:

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<sup>3</sup> The dating of the manuscript derives from the latest dating (March 1569/70) of identified Assembly acts. That the manuscript was not written much beyond this date is supported by the absence of any influence from the January 1571/2 Convention of Leith. Moreover, the right of ministers to excommunicate, upheld in the manuscript (StA MS 30451 fo 5v, item 8) was removed to bishops, superintendents and commissioners to plant kirks in 1573 (BUK, I, 284). In a similar fashion, the recognition of the two distinct offices of exhorter and reader upheld in the manuscript (StA MS 30451 fos 5v, 6v, items 9, 21 and 22) was not sustained beyond 1572.

<sup>4</sup> 9 July 1569, BUK, I, 155.

<sup>5</sup> *The ordoure of excommunicatioun and of publict repentance, vsed in the church of Scotland*, Edinburgh, R. Lekpreuik, 1569.



it is ordenit yat ewerie minister or reader within yis juresdixon have the copy of yir actis to ye effect yai may know how ye saidis actis ar observit in yair congregatioun and yat yai may admoneiss ewerie man respective of his awin part and informe ye Superintendent at his visitationis of yaime yat hes transgressit ye samin. And to ye effect ye people allage not ignorance yat yir actis be intimat and schawin to yame as occasioun shall serwe.<sup>6</sup>

It seems likely that the document is one of numerous copies originating in the synod that were issued to individual parishes. The copying of the acts was specifically instructed within the manuscript itself. An unassigned act required every incumbent to produce for inspection “ye copie of yir acts” during the superintendent’s visit.<sup>7</sup> The manuscript’s chronological recording of acts<sup>8</sup> would date this act in 1563, placing it among the first issued by the Fife synod.<sup>9</sup> It is possible that the St Andrews’ manuscript is the copy which belonged to an unidentified “Mr Michael ...”, whose name survives, in part, on the damaged cover.<sup>10</sup>

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<sup>6</sup> StA MS 30451, fo 7r, item 28.

<sup>7</sup> StA MS 30451, fo 5r, item 6.

<sup>8</sup> With the exception of one act from December 1563 being placed before numerous acts from June 1563. StA MS 30451 fo 4v, item M.

<sup>9</sup> The essence of this act was repeated c.1568-69. StA MS 30451, fo 7r, item 28.

<sup>10</sup> Attempts to identify “Mr Michael ...” have failed.



**St Andrews' University MS 30451****[fo 1r] - damaged**

Ex...

Mr Michael

F[?]oth...

and ...

for ...

**[fo 1v] - blank - damaged****[fo 2r] - blank - damaged****[fo 2v] - blank - damaged****[fo 3r] - damaged**

Item. In y...

of ye ...

Word ...

Item. If ...

Item. Gif ...

and in[m]...

and th...

Item. Gi...

[-]lict pray...

Item. Quhom tha...

merchandise or p...

of zoill of ony ...

Item. Gif yay know ...  
father or mother ...

Item. Gif thay know o...  
iniurius spekeris salb..  
drunkataris and nyctwa[lkeris] ...

Item. Gif yay know ony ...  
mengaris or manstaeris ...

Item. Gif thay know ony man ...  
parteis quhom to thay have ...  
personis separait from vthe[r]...

Item. Gif thay know ony ma...  
quhom to thay ar joynit n...

Item. Gif thay know ony oker...  
or musaris ony common pla...  
or vteris playis wasteris of th...

Item. Gif thay know ony idill w...

Item. Gif thay know ony manifes...

Item. Gif thay know ony giveris of ...

Item. Gif that know ony procura...  
persewaris or mentenaris of mo...

Item. To know gif the eldaris dea...  
punisching of faltis.

Item. Gif ye minister or reader be of ...  
and gif ony interruptioun be maid ...

Item. Gif ony personis zowng or ...

Item. Gif ony personis livis and r...  
salld.

Item. To knaw gif ony man hes maid ...  
lauchfullie ar callit.

Item. Gif ony man teachis scho...

Item. Gif ye minister or reder ...  
of ye baptised and maried ...

**[fo 3v] - damaged<sup>11</sup>**

...r ye ministratioun of ye sacramentis

... negligence of ye parentis

...rn is ludgit or ony barnis

...y or maddins in specialie

... magistratis yat dois nocht yir

...teris efor officiaris in ye kirk yat

...runkatis or nycht walkaris or

...tryed ye faith of ye bairins of nyne zeris

...stied for ye puris

... bellis rung for ye dede

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<sup>11</sup> Because of the damage to the manuscript the division of the text in this folio into questions is uncertain.

**[fo 4r] - damaged****[A]**

1. It is ...

sacramen...

and ...

men ...

A...

in y...

yat y...

**[B]**

2. It is ...

vnder ...

author...

and y...

of tha...

esteblyshed ...

**[C]**

3. It is ord...

ane vther ...

Sinodall c...

or reader ...

of lyfe and ...

**[D]**

4. It is inhibit yat ony ...

within ye kirk bot in ...

no day be kept h...

kept as it is comm...

haldin thairon vnder ...

yairvpon and als vnder ye ...

[E]<sup>12</sup>

It is requirit that provisioun ...  
 quhair yai ar borne and y...  
 yai may be knawin natiwe to yai...  
 vitable supportit and yat th...  
 peple almis for ye pooris and ...  
 sum of ye deaconis to be destr...  
 ye minister and elderis and yat...  
 put in wret how mekill he...  
 yat compt may be tane th...

## [F]

It is ordenit yat no bairnis gottin in ...  
 befoir yat ye parentis or at leist a...  
 befoir ye congregatioun. And yat ...  
 of ye bairne if ye saimen be gottin ...  
 And als it is ordenit yat na veme[n]...  
 present his awin bairne to bap...  
 to be wsit in tyme comming.

[G]<sup>13</sup>

Item. It is ordenit yat no mariage ...  
 proclamit vpon three severall Sondaye ...  
 -zatioun and in case yai do, yat oppi...  
 befor ye solemnizatioun. And in cace y...  
 that oppin mendis be maid in likwiss. A ...  
 wpone Sonday alenarlie onles yairbe ane ...  
 It is ordenit yat no solemnizatioun of ...  
 or reader be advertisit thair of vpon ...  
 yat no bannes be proclamit betuix ...  
 to permittit to proceid in mariage ...

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<sup>12</sup> cf. *FBD*, 113.

<sup>13</sup> cf. *FBD*, 195-196.

**[fo 4v] - damaged****[H]**<sup>14</sup>

... communion of ye sacrament  
 ... knawis ye Lordis Prayer  
 ... xv zearis aige. And  
 ... and yat dewe exami-  
 ...e be admittit thairto  
 ...aminat and yat ye  
 ...And yat no exhortar

**[I]**

... kirk hawe ane Register  
 ... and ye day of yair  
 ... of yame yat ar baptizat  
 ... parentis and witnes  
 ... adulterie or fornicatioun  
 ... And also yat ye names  
 ...ok and ye day of yair  
 ... at ye senzeis and at ye

**[J]**

... hawe ye book of ~~lawes~~ God callit  
 ... of our salvatioun as contenit  
 ...est place of ye kirk to ye effect  
 ...tioun of ye samin.

**[K]**

...ilk kirk and congregatioun conveyne and assemble  
 ... zerwyse ony vther day as occasioun shall  
 ... out of transgressoris and putting correc-

---

<sup>14</sup> cf. *FBD*, 184.



[L]<sup>15</sup>

... exhortaris or vtheris haweing ye gift to interpret  
 ... x myllis to ony towne quhair exerceiss is to  
 ... yair tyme about.

[M]<sup>16</sup>

...ewerye parochin vpon land. It is ordenit yat ane beir be maid  
 ...[co]rps to buriall. And village or toun quhair ye deid lyis  
 ...acent thairto or ane nomber of everie houss convoy ye  
 ... eyther singing reding or vther serimonye and zeard ye  
 ... zeard, and yat nane be zeardit in ye nycht or without ye

[N]<sup>17</sup>

... man or woman or vtheris vnfre personis contract mariage without  
 ...leice of yair parentis, tutoris or curatoris and in lykwyss  
 ... man violat or defloir ony virgin for if he sall so do  
 ... hawe hir to his wyfe or ellis to soit hir at ye  
 ... entiris. And if he be not able to pay hir tochar according  
 ... be punished in his body.

[O]<sup>18</sup>

... no reader be continuat in ye office of readin abone ye space  
 ...nles ye three zearis being past it be knawin he hes prosperit  
 ...lege yat thairefter he may be abill to exhort or to  
 ... it is ordanit yat all readeris reiect and put away  
 ...atioun to ye end yai may mair frelie insist and be  
 ...[st]udy and knowlege of letteris.

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<sup>15</sup> cf. *FBD*, 190.

<sup>16</sup> cf. *FBD*, 199-200; *BUK*, I, 43 (December 1563).

<sup>17</sup> cf. *FBD*, 192-193.

<sup>18</sup> cf. *FBD*, 111-112.

## [P]

... mariage salbe reput and haldin lauchfull in judgment onles ye  
 ...e ye minister or reader and tua of ye elderis or  
 ... leist betuixt twa or three honest and faithfull witnesses  
 ... yat all mariage mariage (*sic*) be solemnizat within xl  
 ...[d]ue haist eftir in ye proclamatioun of ye bannes. And  
 ... [so]lemnizat mariage bot sic as beris office in ye kirk

## [Q]

... causis it is thocht expedient yat wemen be no witnesses nor zit  
 ... ye ministratioun of baptisme except it be sic ane woman yat  
 ... in adultrie, incest or fornicatioun in ye quhilk caice ye faither  
 ... [w]oman being penitent may be sufferit to present hir bairne and to  
 ...ne of ye bairne alwys satisfatioun being maid of befoir.

[fo 5r]

## [1]

Item. Forsamekill as it is manifestlie knawin yat ye puir cottaris throughout ye  
 haill cuntrey ar put to sick extreme servitude yat yai ar sa astrictit to serve  
 yair maisteris and gentill men yat ar yair superioris sax dayis on ye weik  
 especialie in tyme of harwest yat na laser is grantit to yame wpone ye  
 sax dayis of ye weik to scheir and win yair sobir lott and portioun of  
 corne bot is constrainit be yair maisteris vnmerciles oppressioun yat yai be  
 force man work wpone Sonday expreslie aganis Goddis command. And in lykwys  
 ye puir laboraris ar chargit with yair maisteris carrage and wthir service  
 wpone Sonday. Quhairfoir it is requyrit in ye name of God yat all gentill  
 men and wtheris hawing cottaris and tennentis vndir yame yat yai wald be  
 sa cheritabill to yame to gif yame licence in tyme of harwest fra xii  
 houris furth ilk Settirday to scheir and win yair awin corne. And sicklyk yat  
 yai will nocht charge yair tennentis with yair careage vpone Sounday cer-  
 tefeing all yame yat sall do in ye contrair heirof and sall caus yair tennentis  
 and laboraris to neglect ye service of God and work vpone Sonday yai salbe  
 accusit as trangressoris of ye command of God and breikaris of ye Sabboth  
 day and of ye act of Parliament maid yairwpoun.

[2]

Item. It is ordanit yat no man yat is contractit or conpromittit withony woman (this contract being knawin or schawin to ye kirk) be permittit to compro- mit or proclame bannes withony wthir woman vnto sic tyme it be knawin to ye kirk of (*sic*) ye former promiseiss wes lauchfull or vnlauchfull to be keipit or brockin and ye decreit of ye kirk to be obtenit yairwpone befoir he be permittit to marie ony wther woman.

[3]<sup>19</sup>

Item. Gif yair be ony personis in ony congregationis yat refusses to accept ye office of ane elder or ane decoun or acceptand ye said office will nocht wse ye samyn according to yair wocatione, to ye honor of God, outsetting of his trew word and religione for observing of ane gud ordor in his kirk and for punising of sic crymes as is done aganis his Dewyne Maiestie. And siclyk gif yair be ony personis in ony congregatioun yat will nocht obey ye iudgment and ressonabill correctionis of yair ministerie dewilie vsing yair office. It is inhibit yat no minister within yis iurisdixtion mak ministratioun of ony sacrament to sic stubburne personis  
as salbe fund inobedient to ye premisses nor zit to yair seid in ye ministratioun of baptism.

And siclyk is ordenit to be wsit with yame quha continualie abstractis yaim from yair parochie kirk, and resortis nocht to ye samyn to heir Goddis Word.

[4]

It is thocht expedient and necessar yat everie minister and reidar sall remane and mak residence at yair awin kirkis and giff ony objectis yai want yair mansses be ressonne quhairof yai can nocht mak residence yat ye complaineris gif in yair billis

**[fo 5v]**

to ye lordis of ye sessioun or rather to ye procuratoris of ye kirk with dew informatione quha will gif or procure letters to yame for restitutione of yair mansses conforme to ye act of Parliament.

<sup>19</sup> cf. *FBD*, 170 which states that the sacraments are not to be administered to children of excommunicants, and *BUK*, I, 170 (March 1569/70) which overturns this.

[5]<sup>20</sup>

It is inhibit and straitlie forbiddin yat ony excommunicat persone be admittit to ye communioun or participatioun of ye sacramentis nor to ye societie of ye faythfull pepill

of God in commoun praying or wyerwys except onlie in hering of Goddis Word to ye effect yat yair by yai may be mowit to repentance and reconciliatioun to God and his kirk. And siclyk na excommunicat persoun be chosin or permittit to wse ye office of ane elder or deacoun or ony wthir publict office in ony congregatioun.

[6]

Item. It is requyrit and ordanit yat ewerie minister or ~~kirkman~~ reidar of kirkis sall produce at ye Superintendentis visitationis ye buik contening ye names of ye mareit personis, of yame yat ar baptizit, and of yame yat depairtis togidder with ye copie of yir actis and chartor of recess quharin is contenit ye faltis fund at his visitationis to ye effect it may be knawin quhow ye saidis faltis ar correctit and punisit.

[7]

Item. In respect of ye mony and diversse superstitious halie dayis quhilk ye pepill in ye tyme of papistrie wer chargit and onerat to keip ye samin holy day and now mercifullie is relewit yairfra. Thairfoir in ye name of God it is requyrit yat ye haill inhabitantis of everie congregatioun convene for ye space of twa or thre houris at ye tyme of ye Superintendentis visitationis to heare Goddis Word preachit and to ressave sic ordoris as ye generall kirk hes ordenit to be sett out and published. And to ye effect yat yis may be better performit ordenis everie minister quhen yai sall publishe ye Superintendentis edict send to yame for wairning of yair congregatioun to ye day of his visitatioun diligentlie to insist in yis thing and to require all gentill men and vtheris inhabitantis of yair parochinis to conveyne as ye tenor of edict more fullilie shall beir.

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<sup>20</sup> cf. FBD, 171.

[8]

Item. It is ordenit yat if ony persons remaining at dissentioun will nocht be reconcilit  
to  
amitie, luf and kyndnes be minister efter dew admonitionis gewin be yame eftire  
ye forme of ye ewangall. It is thocht yat ye said minister may proceid aganis  
yame with ye sentence of excommunicatioun. Provyding yat befor ye  
pronunsatioun  
thairof dew admonitione be gewin as said is.

[9]

Item. It is statut and ordanit yat no mane presume or tak wpon hand to preache or  
teache in ye pulpat, bot sic as ar admittit ministeris and to minister ye sacrament  
of ye body and blud of Christ and yat all vther exhortaris and readaris stand in sume  
vther plaice deput to yame to wse ye executioun of yair officis.

[10]

Item. It is statut that all ministeris befor ye solemnization of ony mariage have  
promeisses  
and tak sufficient cautioun of ye pairtis to be coniunit in mariage, and of yair  
parentis (if yai ony hawe) that yai sall not vse or tholl be vsit in ye day of yair  
mariage  
ony pyping or fidling or ony vther sic ~~vantioun~~ licht vaniteis in oppin streittis  
about marcat croces or ony vther common plaice and quha sall do in ye contrar  
heirof salbe subiect to discipline according as ye kirk shall lay to yair  
charge and if yai cum to ye kirk haweing bagpypis plaiaand befor  
yame yai sall nocht be mariet for yat day.

[fo 6r]

[11]

Item. Knawin yat mony and diverss infantis and bairnis in tymes bipast in silence of  
ye nycht  
and by ye comune plaice of buriall hes beine zeardit at Lekkir Stainnis  
and besyd common streittis the parentis of sic nocht knawin. Quhilkis iustlie  
may be supponit to have beine gottin in adulterie incest or sic wther  
ingodlie wayes. And thairfor yairfor (*sic*) yair parentis fearing punishment to  
hawe murderet and put downe yair awin bairnis gottin in maner foirsaid.  
And yairfor for awayding of sic inconvenentis it is statut and ordenit

yat no prewie nor quiet buriall salbe in tyme cuming bot yat all personis be conwoyit to buriall on ye day licht betuixt ye sown rying and to going of ye samin with ane sufficient number of faithfull men and ye body departit to be layit in ye commun plaice of buriall of that kirk. And if ony salbe found to have down in ye contrair heirof yai salbe haldin to have murderit and put down ye persone sua buryit and thairfor to be punished according to ye lawes of ye Realme.

## [12]

Item. It is statut yat no woman tak on infant to nurissing onles first scho inquire and hawe knowlege quha ar ye parentis of ye infant and in quhat maner ye samin is gottin. And als quhen yai salbe inquirete shall testifie quha sustenis ye infant and payes for ye nurisching of ye samin.

[13]<sup>21</sup>

Item. It is statut yat no midwyfe shall vse hir office or mak helpe to ony wemen in yir birth except to sic as ar wnder mariage except first scho inquire quhat maner ye bairne is gottin and quha is ye father thairof. And efter yat scho have knowlege thairof in gudlie haist to pass to ye minister of yat parochin quhair ye woman duellis and informe him of ye bairnis father and he to [word omitted] yair names in hes book. And gif ony midwyfe shall transgress yis ordor salbe punished as accordis.

[14]<sup>22</sup>

Item. It is ordenit yat no contract of mariage allagit to be maid secreitlie, carnall copulation following, shall hawe fathe in iudgment in ony tyme to cum wnto sic tyme yat ye contractaris suffer as brekkaris of guid ordor and sklenderaris of ye kirk and thaireftir yat fathe shall no be gewin wnto yat promiseiss wnto sic tyme yat famuss and unsuspect witnes affirme ye samin or ellis baith ye parteis confess it. And in cace probatioun or confessioun follow nocht yat ye offenderis be punissit as fornicatoris.

<sup>21</sup> cf. *The Kirk of the Canagait*, 10, 28.

<sup>22</sup> cf. *BUK*, I, 32 (June 1563).



[15]<sup>23</sup>

Concerning ye orдор of appellationis it is statut and ordenit yat if ony persone thinkis yame selfis hurt be sentence gewin be ony minister elders and deaconis of kirkis it salbe leasum to ye pairtie sua hurt to appeill to ye Superintendent of ye Diocy and his sinodall conventioun within ten dayes nixt yairefter and ye said Superintendent shall tak cognitioun quhidder it was weill appeillit or nocht, and gewe his sentence yairvpon. And if ye pairtie zit allagis him self hurt be ye Superintendent and his conventioun it salbe [lawfull]<sup>24</sup> to appeill to ye Generall Assemble of ye kirk immediatlie yairefter following within x dayes as of befoir and ye said assemble to tak cognitioun of ye said appellatioun quhidder it was weill appeillit or nocht and yairefter to pronounce sentence thairintill fra ye quhilk it sall nocht be leasum [to the said paitie]<sup>25</sup> to appeill bot ye formair sentence to

have executioun according to ye tenor of ye samin. And ye samin ordor salbe keappit be personis presentit to benefices to quhome collation is refusit according to ye act of parliament maid yairvpon.

[fo 6v]

And if ye appellant iustify nocht his appellatioun befoir ye Superintendant and hes conventi-

one foirsaid that he sall imput sic ane paine vpon ye said appellant as he shall think gud abone ye expensses to ye partie quhilk paine salbe delyverit to ye deacones of ye kirk quhair ye first sentence is gewine to be destribut to ye pooris.

[16]<sup>26</sup>

Item. It is ordenit yat instruction of ye zouth be committit till nane within yis realme neyther in vniversiteis nor with out ye samin bot to sic yat professes Christis trew religion now publictlye preachit and yat sic as occupy ye plaies not professing as said is be removit frome ye samin conforme to ye act of parliament laitlie maid thair vpon.

<sup>23</sup> cf. BUK, I, 32-33 (June 1563).

<sup>24</sup> Missing word supplied from BUK, I, 33.

<sup>25</sup> Missing words supplied from BUK, I, 33.

<sup>26</sup> cf. BUK, I, 33-34 (June 1563).

[17]<sup>27</sup>

Item. It is statut and ordenit yat no work be set furth in prent neyther zit publishid in wreit tuoching religion and doctrine vnto sic tyme as it salbe presentit to [the]<sup>28</sup> Superintendent of ye diosy avysit and approwit be him and sic as he shall call of ye maist learnit within his boundis for awysing thair off. And if yai dowt in ony poynt sa yat yai can nocht clearlie agree resolve in ye samin yai sall produce ye said work to ye Generall Assemble of ye kirk quhair ordor salbe takin tuoching resolutioun of ye samin doubt.

[18]

Item. It is statut yat ilk minister hawand residence vpon land reid ye commun prayers ilk Sunday on ye morning to ye servandis of ye parochine and sic vther as pleisses conwein yair. And thair efter at ten houris to preache ye Word of God and minister ye sacramentis.

[19]

Item. Anent ye proclamatioun of bannes it is statut yat how sown ony lauchfull impediment is allagit befor ye congregatioun that ye minister shall appoynt ane certaine day to prove ye allagit impediment eyther befor ye minister and elderis of yat kirk or befor ye Superintendent and ministerie of Sanctandros. And yat ye minister ceiss fra forther proclamatioun of bannes quhilk (*sic*) cognition be takin and decreit pronuncit anent ye allagit impediment.

[20]

Item. As is ~~allegit~~ statut yat no minister presume or tak vpon hand to preache mak ministratioun of ye sacramentis or solemnizatioun of mariagis vithin ane vther ministeris boundis without licence of ye minister or Superintendent and especialie this to be keapit in sic partis quhair ordor is preschryvit.

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<sup>27</sup> cf. BUK, I, 35 (June 1563).

<sup>28</sup> Missing word supplied from BUK, I, 35.

## [21]

Item. It is statut yat if ony minister exhortar or reader shalbe absent vpon ye Sabboth day frome his kirk to ye quhilk he is apoynttit without lauchfull cause and ye cause schawin to ye elderis and deacones of yair kirk the minister sall pay xxs ye exhortar xs And ye reader halfe ane mark to be destribut to ye pooris or vther common effearis of ye kirk. And ye samin ordor to be vsit with yame yat absentis yame frome ye sinodall conventioun. And everie howshaldar absent frome ye kirk sall pay iiij*d*.

## [22]

Item. Yat no minister by awyse of ye Superintendent or zit exhortar or reader bind or abstract yame selfis to preache or minister ye sacramentis to ony vther kirk then yai ar apoynttit to be ye Superintendent vnder ye paine of deprivation and sic lyk yat tak money for ministratioun of ye sacramentis vnder ye samin paine.

[fo 7r]

## [23]

Item. Quhen ony minister is provydit to ony benefice he salbe astrictit to mak residence at ye kirk quhair ye benefice is vnder ye paine of amissioun of his benefice.

## [24]

Item. It is statut that na minister nor vther member of ye kirk sall sett takis of his benefice nor zit mak diminution of his rentall vythout advyce and licence of ye generall kirk.

[25]<sup>29</sup>

Item. It is thought lauchfull and gud yat notorius or convict murtheraris and adultereris be excommunicat be ye kirk. And being excommunicat yat yai be not resavit agane to reconsiliatioun be ony particular kirk till yai first present yame selfis befoir ye assemble of ye generall kirk and yair ressave iniunctionis and discipline for yair offensis and sklander.

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<sup>29</sup> cf. *BUK*, I, 125 (July 1568)

[26]<sup>30</sup>

Item. It is statut and ordenit yat suppressoris of yair childrin and bairnes mak publict satisfioun in sakcloith bair fut and bair headit and als of as ye kirk sall think guid to appoint according to ye qualitie and quhantitie of the falt and oppression committit and yat sume nychtboris see ye zoung barnes depairt.

[27]<sup>31</sup>

Item. It is concludit be ye generall kirk yat papistis refusing to ioyne yame selfis to ye reformit kirk efter yai have ressavit sufficient admonitionis according to ye ordor establishid in particular kirkis. And yai zit remaning obstinat salbe decernit publictlie in all congregationes necesser to be out of ye societie of Christis body and to be repudiat and abhorrit as personis excommunicat. And humle supplicatione to be maid to ye supreme magistrat for forther pvnishment according according (*sic*) to ye lawet? if yai remaine impenitent.

[28]

Item. Finalie it is ordenit yat ewerie minister or reader within yis juresdixion have the copy of yir actis to ye effect yai may knaw how ye saidis actis ar observit in yair congregatioun and yat yai may admoneiss ewerie man respective of his awin part and informe ye Superintendent at his visitationis of yame yat hes transgressit ye samin. And to ye effect ye people allage not ignorance yat yir actis be intimat and schawin to yame as occasioun shall serwe.

[29]

Item. It is statut yat ewerie erll lord and great barroun haweand ane minister or reader [*in*] yair paroche kirk and heveand no reassonabill excuse yat bydis frome ye sermone or prayeris vpon ye Sonday for ye first falt he sall pay to ye kirk masteris xls, for ye secund falt iiij *lib*, and for ye thrid falt vj *li* and sua consequentlie. And sic lyk ilk small barroun gentill man or burgess for ye first falt sall pay xs, for ye secund xxs, and for ye thrid xxxs. And in lyk maner ewerie husband man and

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<sup>30</sup> cf. *BUK*, I, 125 (July 1568).

<sup>31</sup> cf. *BUK*, I, 126-127 (July 1568).

craftis man for ye first falt sall pay twa s, for ye secund iiij s, and for ye thrid vjs viiid. And sa mony as hes nocht to pay for ye first falt salbe twa dayes in presone with breid and watter, for ye secund iiij dayes, and for ye thrid vj dayes and sua consequentlie. And yis to be wnderstand alsweill of ye wemen as of ye men. And ye kirk maisteris in ewerie parochine to mak compt zearlie to ye elderis of ye samin.

## [30]

Item. It is statut yat no excommunicat persone yat depairtis excommunicat be eardit within ye buriall of ye faithfull bot yat all sic personis as desyrit not ye societie of ye faithfull quhen yai war leweand be nocht participant of yair cumpany quhen yai ar deid.

[fo 7v]

## [31]

It is statut yat no persone ressave ony wemen with bairne in housses nor zit ony bairnis to be nurished in yair housses onles yai have knowlege quha is ye bairnis father. And yat it be gottin in mariage. And quha sall do in ye contrare heirof salbe punished accordinglie.

## [32]

Item. In respect of ye great inobedience and contempt of ye actoritie of the kirk it is statut and ordenit that quhosover is delatit to ye kirk for committing of ony crime and efter yat he is thrys summoned and anis personalie apprehendit to compeir befor his iudge ordinar vnder ye paine of excomunicatioun to heir tryell tane of his crime or to heir probatioun led for weryfyng of sic ane crime or to heir him selfe decernit to be punist for committing sic ane cryme. And with certificatioun yat if he compeiris not ye thrid tyme ye crime salbe haldin pro professo gife he compeiris nocht at ye thrid summondis then in respect of his monifold contumacie and contempt he salbe reput and haldin as convict of ye crime quhairof he is delatit. And ye kirk sall proceid ordarlie aganis him with ye sentence of excomunicatioun till he offer him selfe to repentence and obedience of ye kirk.

[33]<sup>32</sup>

Item. It is statut that ewerie collector be present at ilk synodoll and generall assemble of ye kirk to knaw ye mynd of ye kirk anent yair officis and vther thingis concerning yame vnder ye paine of deprivation.

[34]<sup>33</sup>

Item. It is statut yat ye Superintendent with advice of his ministers at yair sinodoll conventionis may imput or output yair collectoris as yai sall think gud and as ye cause sall require for ye tyme.

[35]<sup>34</sup>

It is also statut yat na minister or reader providit to ony benefice sall set takis of his glebe or mansse in ony vay nor zit ony part of his benefice with diminutioun of his rentall vnder ye paine of deprivation.

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<sup>32</sup> cf. *BUK*, I, 161 (March 1569/70).

<sup>33</sup> cf. *BUK*, I, 162 (March 1569/70).

<sup>34</sup> cf. *BUK*, I, 163 (March 1569/70).



Table 8: Cases raised before the Kirk Session and the Superintendent's Court, 1559 to February 1572

Year	Total Cases			Marriage <sup>1</sup>			Sex <sup>2</sup>		Kirk Discipline <sup>3</sup>		Social Discipline <sup>4</sup>		Religious Observance <sup>5</sup>		Kirk Personnel <sup>6</sup>		Unidentified <sup>7</sup>	
	KS	S		KS	S		KS	S	KS	S	KS	S	KS	S	KS	S	KS	S
1559	3	0	2	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
1560	52	0	13	0	3	0	9	0	0	0	0	0	27	0	0	0	0	0
1561 <sup>8</sup>	4	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1561 <sup>9</sup>	2	19	2	6	0	0	0	10	0	1	0	2	0	0	0	0	0	0
1562	6	26	2	14	3	8	1	3	0	0	0	0	0	0	1	0	0	0
1563	3	26	0	12	3	5	0	4	0	0	0	0	0	0	5	0	0	0
1564	9	35	3	13	4	12	0	3	1	0	0	1	6	0	1	0	0	0
1565	14	35	5	20	9	11	0	2	0	1	0	0	0	0	1	0	0	0
1566	8	12	2	6	6	4	0	0	0	0	0	0	0	0	2	0	0	0
1567	2	2	0	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0
1568	10	29	4	9	2	9	2	10	0	0	0	2	0	0	1	0	0	0
1569	8	25	0	7	5	6	1	5	0	2	1	2	1	2	0	1	1	2
1570	7	16	2	4	2	4	1	3	2	2	0	1	0	0	0	0	0	2
1571	22	1	2	0	5	0	14	0	1	0	0	0	1	0	0	0	0	0
1572 <sup>10</sup>	2	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	153	227	42	94	43	59	28	40	5	6	33	12	0	12	1	4		

<sup>1</sup> Encompassing all cases of: adultery, divorce, none adherence, claims of marriage, and 'other marital'. 'Other marital' cases encompasses cases of: second promise of marriage, wishing a stay of marriage, not completing a marriage, underage marriage, irregular marriage, and forced marriage.

<sup>2</sup> Encompassing all cases of: fornication, paternity, and impotence. Fornication cases encompasses: simple fornication, fornication under promise, defloration, incest, whoredome, corruption, cohabitation, lust, maintaining a whore, harlotry, and having an illegitimate child.

<sup>3</sup> Encompassing all cases of: blasphemy, disobedience, absence from the Kirk, and breaking the Sabbath. Blasphemy encompasses all cases of: blasphemy, slander, offending, defamation, injury, and false pursuit. Disobedience encompasses all cases of: disobedience, lack of repentance, contempt of minister, slandering minister, associating with excommunicated, perjury, fugitive, not baptising, proof of satisfaction, concealing illegitimate child.

<sup>4</sup> Encompassing all cases of: shielding criminals, breach of the peace, assault, and usury. Breach of the peace encompasses all cases of: breach of the peace, banning, drunk and disorderly, holding bardal, interrupting prayers, and night walking. Assault encompasses cases of assault and ravishing.

<sup>5</sup> Encompassing all cases of: recantation, popery and absence from communion. Popery encompasses all cases of popery, administering papistical sacraments and Mass mongering. Absence from communion has been counted under 'religious observance' rather than 'Kirk discipline' since, prior to 1572, each offence was associated with non adherence to the reformed religion.

<sup>6</sup> Encompassing all cases of: Usurping office, ministering sacraments when not a minister, and neglecting office. Usurping office includes, usurping the office of a minister and claiming the office of reader. Neglecting office encompasses: Neglecting office, baptising before parents had repented, and permitting a reader to conduct a marriage

<sup>7</sup> Five cases give no indication of the offence being tried.

<sup>8</sup> Figures for 1561 prior to Winram being admitted as Superintendent. i.e., to 13 April 1561.

<sup>9</sup> Figures for 1561 after Winram was admitted Superintendent.

<sup>10</sup> Figures for 1572 to March 1572 when the archbishop takes over.

Table 9: Detailed break-down of cases raised before the Kirk Session

Year	1559	1560	1561 <sup>11</sup>	1561 <sup>12</sup>	1562	1563	1564	1565	1566	1567	1568	1569	1570	1571	1572	Total
Adultery	2	5	2	1	0	0	1	2	0	0	0	0	1	1	1	16
Divorce	0	4	2	1	0	0	0	0	0	0	0	0	0	0	0	7
Non Adherence	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	2
Claim of marriage	0	2	0	0	2	0	1	2	1	0	3	0	0	1	0	12
Other Marital	0	1	0	0	0	0	1	0	1	0	1	0	1	0	0	5
Fornication	0	2	0	0	2	2	4	9	6	0	1	2	2	3	1	34
Paternity	0	1	0	0	0	1	0	0	0	0	1	3	0	2	0	8
Impotence	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Blasphemy	0	7	0	0	0	0	0	0	0	0	2	0	0	1	0	10
Disobedience	0	1	0	0	1	0	0	0	0	0	0	1	0	1	0	4
Absence from Kirk	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	2
Breaking Sabbath	0	0	0	0	0	0	0	0	0	0	0	0	0	12	0	12
Shielding criminals	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Breach of Peace	0	0	0	0	0	0	1	0	0	0	0	0	2	1	0	4
Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Usury	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Recantation	0	27	0	0	0	0	0	0	0	2	0	0	0	0	0	29
Popery	0	0	0	0	0	0	1	0	0	0	2	0	0	0	0	3
Absence from Communion	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Ministering Sacraments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Usurping Office	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Neglecting Office	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unidentified	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1

<sup>11</sup> Figures for 1561 prior to Winram being admitted as Superintendent, i.e., to 13 April 1561.<sup>12</sup> Figures for 1561 after Winram was admitted as Superintendent.

Table 10: Detailed break-down of cases raised before the Superintendent's Court, April 1561 to March 1572

Year	1561	1562	1563	1564	1565	1566	1567	1568	1569	1570	1571	1572	Total
Adultery	1	6	3	7	3	1	0	1	0	1	0	0	23
Divorce	2	3	1	0	0	0	0	0	0	0	0	0	6
Non Adherence	2	1	1	3	2	0	1	3	1	2	0	0	16
Claim of marriage	0	4	5	2	7	5	1	3	4	1	0	0	32
Other Marital	1	0	2	1	8	0	0	2	2	0	0	1	17
Fornication	0	8	5	11	10	4	0	8	5	3	0	0	54
Paternity	0	0	0	1	1	0	0	1	1	1	0	0	5
Impotence	0	0	0	0	0	0	0	0	0	0	0	0	0
Blasphemy	1	0	3	1	1	0	0	0	0	0	0	0	6
Disobedience	9	3	1	2	1	0	0	3	4	0	0	0	23
Absence from Kirk	0	0	0	0	0	0	0	1	0	3	0	0	4
Breaking Sabbath	0	0	0	0	0	0	0	6	1	0	0	0	7
Shielding criminals	0	0	0	0	1	0	0	0	0	0	0	0	1
Breach of Peace	1	0	0	0	0	0	0	0	1	0	0	0	2
Assault	0	0	0	0	0	0	0	0	0	2	0	0	2
Usury	0	0	0	0	0	0	0	0	1	0	0	0	1
Recantation	0	0	0	0	0	0	0	0	0	0	0	0	0
Popery	2	0	0	5	0	0	0	0	1	1	0	0	9
Absence from Communion	0	0	0	1	0	0	0	0	1	0	1	0	3
Ministering Sacraments	0	0	0	1	0	0	0	0	1	0	1	0	5
Usurping Office	0	0	3	0	1	1	0	0	0	0	0	0	4
Neglecting Office	0	1	1	0	0	1	0	0	0	0	0	0	3
Unidentified	0	0	0	0	0	0	0	0	2	2	0	0	4

# Appendix 5: Recorded Complaints against Winram, Erskine of Dun and Spottiswood

	John Winram	John Erskine of Dun	John Spottiswood
July 1562			Not preaching in own church of Calder
December 1562	Slack in visiting; left before completing visit; given to worldly affairs; slack in preaching; rash in excommunication; quick in making acts for payment of tithes.	Admitting popish priests as readers; failing properly to examine exhorters before admission; unsuitable men admitted as elders; some ministers under his jurisdiction fail in their office; some ministers come late to church; that ministers do not attend the Exercise.	Did not preach often enough in Edinburgh; did not visit often enough Mussleburgh or Stirling.
June 1563	Trial delayed at request commissioner Fife.		
December 1563	Failed to preach during visitations; Special diet requested and granted; commissioners Fife commended for zeal.	No discipline used in kirks; no sessions; failed to preach during visitations; too busy visiting North on another commission.	Tried - no details. Complaint from Calder - never there.
December 1564	Slack in visiting.	Tried - no details.	Tried - no details.
June 1565		Had not completed deputy-visitation.	
December 1565	Slack in visiting because following Queen.	Not visited for 2 months.	Slack in visiting because following Queen.
June 1566	Tried - no details.		
December 1567	Slack in visiting; not teaching in kirks; not taking up crimes and offences to be punished. Appointment of separate trial in Cupar.		
July 1568	Report from Cupar Trial - negligence in visitations; careless in punishing adulterers; retained reader in Leuchars that Knox had rejected; accused condoning Mass.		
February 1569			Slack in visiting; not prosecuting heinous offenders.
July 1569	Slack in visiting and repairing kirks.		Slack in visiting and repairing kirks.

	John Winram	John Erskine of Dun	John Spottiswood
July 1570	Slack in repairing kirks; Accused of popery because oeconomus of priory.		
March 1572	Thomas Kinneir complaining - Crail not visited for three years; when visited Winram did not use due order; not visited Strathearn, Menteith, Breadalbane in last year; had given Kilmanie to non-minister.		
March 1573	Refusing to give Robert Scott his letters of admission - plus other complaints	Failing to make exhortation at start of General Assembly.	
August 1574			Not visiting - excused because not paid.
March 1575	? instructed to attend Exercise?	Choirs within diocery ruinous.	
August 1575	None from University present; kirk of Rhyne has no readers; exercise taken away from St Leonard's	Admitted unfit minister.	
April 1576			Rare visitations; initiating bishop Ross against orders of Assembly
October 1580			Absent from last Assembly; Not visited since last Assembly

<b>Appendix 6</b>
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# Synods and Superintendence: John Winram and Fife, 1561-1572\*

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The public edict issued by the minister and kirk session of St Andrews announcing the impending election of John Winram as the superintendent of Fife, Fotherick and Strathearn asserted that:

wythowt the cayr [of] superintendendis, neyther can the kyrk be suddenlie erected, neyther can th[ei] be retened in disciplin and unite of doctrin.<sup>1</sup>

This statement identified the superintendents as the *sine qua non* of the reformed church in Scotland in its early years. In Fife at least, the care that a superintendent exercised over his province was understood to be the principal means by which the reformed church would be both established and sustained. Just how a superintendent sustained the churches under his care is well illustrated in the work of the very superintendent of whom the St Andrews' kirk session had such high expectations, John Winram.<sup>2</sup>

John Winram was almost seventy years old when he was elected superintendent of Fife. Born a descendant of the Winrams of Ratho c. 1492 he determined at St Leonard's College in St Andrews at the

\* This paper is based on material to be included in my forthcoming Ph.D. thesis at New College, Edinburgh University. I am most grateful to Lord Moray for allowing me to consult the Moray Muniments and to Drs Jane Dawson and Mike McCabe for their helpful comments on earlier versions of this paper.

<sup>1</sup> *Register of the Minister, Elders and Deacons of the Christian Congregation of St Andrews, 1559-1600*, ed. D.H. Fleming, 2 vols. (Edinburgh, 1889-90) [hereafter *RS/ASKS*], i, 72-75. Winram's election took place on 13 April 1561. This volume contains the minutes of both the kirk session of St Andrews and Winram's superintendent's court.

<sup>2</sup> For discussions on the role of superintendents see J. Kirk, *Patterns of Reform, Continuity and Change in the Reformation Kirk* (Edinburgh, 1989), chapter 5; J.K. Cameron, "The Office of Superintendent in the *First Book of Discipline*" in *Miscellanea Historiae Ecclesiasticae*, 8, ed. B. Vogler (Brussels, 1987), 239-250.

mature age of 24, progressing through his academic studies to gain his doctorate in 1540.<sup>3</sup> While at the university Winram joined the Augustinian priory in St Andrews and by 1535 had risen to become its sub-prior, a post which he held until his death in 1582.<sup>4</sup> Winram played a prominent national role in the pre-reformation church. He participated in the reforming councils of 1549 and 1559.<sup>5</sup> He was a judge in the trial of three witches in 1542, the heresy trials of John Borthwick in 1540, and of Walter Mill in 1558. Winram also preached at the trial of George Wishart in 1547. Although credited with early, covert, reformed sympathies it was not until 1559 that Winram publicly sided with his prior, Lord James Stewart, and the reformers. Winram was recognised by the General Assembly of December 1560 as fit for ministering and teaching but never served in a parish. Instead, four months later, he was elected to be superintendent of Fife, Fotherick and Strathearn.

John Winram did not oversee his province alone. He was assisted by his synod, six-monthly gatherings of lay and clerical representatives from the hundred-or-so churches within his province, and by his court, the kirk session of St Andrews, his principal town of residence. These courts fulfilled different roles. The synod was mainly a regulating body which discussed, decided and promulgated policies within the province. The court was a judicial body with the power to deal with individuals who fell foul of any church ordinance. By utilising both his synod and his court John Winram was able to discharge his duties of care and oversight.

<sup>3</sup> *Acta Facultatis Artium Universitatis Sanctiandree, 1413-1588*, ed. A.I. Dunlop, 2 vols (Edinburgh, 1964), ii, 316. *Reale Sancti Andree*, ed. R.K. Hannay (Edinburgh, 1913), 107.

<sup>4</sup> His promotion from third- to sub-prior occurred between 27 February 1534/5 and 10 December 1535. St Andrews' University Muniments, UY.305.1 (Acta Rectorem, vol. i) fo. 101; Scottish Record Office, RH6/1117, 10 December 1535. Winram was also vicar of Dull, one of the priory's appropriated churches, from c. 1539 and prior of St Serf's Inch within Lochleven, a daughter house of the priory, from 1553. Scottish Record Office, GD158/449, 25 June 1539; GD150/1009, 24 May 1575.

<sup>5</sup> From the information which has survived, it is not possible to determine whether or not Winram participated in the 1552 council.

Working from new evidence, this paper explores the role of the synod in the oversight of Fife during Winram's first period of superintendency from 1561-1572, a critical time for the fledgling reformed church in Scotland.<sup>6</sup> Attention focuses on the efforts of the Fife synod to secure common standards of reformed practice and procedure throughout the province especially in the areas of church personnel, worship and rites of passage, and social control. Consideration is then given to Winram's personal superintendency and the workings of his court at St Andrews.

### The Role of Synods

In December 1562 the General Assembly noted that the purpose of a synod meeting was to "consult upon the comon affaires" of its province.<sup>7</sup> Over the following decade however, rather than merely consulting upon common affairs, synods were encouraged actively to intervene to the point of dominating and largely controlling the ecclesiastical affairs of their provinces. During that time the General Assembly in effect established the synods as an intermediate layer of authority between it and the parishes. The beginnings of this role were evident in 1563 when the Assembly adopted a formal "Order of Appellation" which forbade those dissatisfied with a ruling given by a kirk session to appeal directly to the Assembly. Instead, all appeals were to be made to the superintendent of the province and his synod. If, and only if, the appellant was dissatisfied with the synod's ruling could recourse be made to the Assembly.<sup>8</sup> Within a few years cumulative Assembly legislation ensured that the consent of the superintendent and synod was required before any matter, not just appeals, could be raised before the Assembly.

<sup>6</sup> In 1572, following his admission as archbishop of St Andrews, John Douglas was given responsibility for the superintendency of the archbishopric and Winram, as superintendent of Strathearn, retained oversight of the remaining areas of his original province. *The Booke of the Universall Kirk, Acts and Proceedings of the General Assemblies of the Kirk of Scotland, 1560-1618*, ed. T. Thomson, 4 vols. (Edinburgh, 1839-45) [hereafter *BUK*], i, 239, 242.

<sup>7</sup> *Ibid.*, 29.

<sup>8</sup> *Ibid.*, 32-3.

Originally every Assembly commissioner had the right directly to raise any matter, at any time, before the Assembly. However, in 1564 it was ordained that no such individual questions would be discussed until the general affairs of the church had been concluded. Even then, only those questions thought "worthie to be proponit" were to be submitted in writing. Questions requiring a hasty resolution would be discussed at the conclusion of the sitting Assembly. All other questions would be referred down to the superintendent in whose province they had originated and he, together with a number of ministers appointed by him, would discuss them and report their resolution to the following Assembly.<sup>9</sup> Further acts of the Assembly increased the strictness of this grading and filtering of questions. By 1568 sufficient legislation had been passed to make the superintendents, working with their synods, the preferred courts of first instance for all questions originating within their provinces. The Assembly expressly forbade any person to "trouble or molest" it with "sick things as superintendents may and aught [to] decyde in their synodall conventionns".<sup>10</sup> In March 1570/1 this legislation was further tightened when it was agreed that

because the Assembly is yearly troubled with solutions of questions, of which some are unprofitable, others may be easily resolved be Superintendents and Commissioners to plant kirks, with the assistance of their Ministers, in their Synodall conventionns... Herefore The hail Kirk assemblit ordaines, That all questions hereafter be proponit and presentit to the Superintendents and Commissioners forsaids, in the said Synodall conventionns, there to reseaff their solutions.... With certification, that no questions hereafter sall be receivit in Generall Assemblies from particular Ministers. The same order to be observed anent complaints in all sorts.<sup>11</sup>

The synod had become the only court of first instance for matters arising from parishes under its jurisdiction.

<sup>9</sup> *Ibid.*, 52.

<sup>10</sup> *Ibid.*, 131.

<sup>11</sup> *Ibid.*, 191-2. Possibly from July 1569, and certainly from March 1569/70 commissioners to plant kirks were also permitted to hold synods. *Ibid.*, 149, 162.

### The Synod of Fife

In the case of Fife, understanding the synod's dominance over the affairs of its province is not dependent upon extrapolating generally applicable Assembly ordinances. A manuscript in St Andrews' University library reveals how the pre-1572 synod of Fife sought to regulate the common affairs of its province and in so doing both fulfilled the consultative remit given to it by the 1562 Assembly and supported John Winram in the oversight and care of the province.<sup>12</sup>

The document combines a list of over 22 questions to be asked during a parish visitation with 52 enactments of the synod.<sup>13</sup> It appears to be one of numerous copies, originating in the synod, issued to incumbents of the province for their reference.<sup>14</sup> By promulgating and enforcing its enactments the synod sought to ensure common standards of practice and procedure were observed throughout its province. Three areas received particular attention: the practices and procedures of those holding office within the church, the conduct of worship and rites of passage, and specific aspects of social control.

### Enactments of the Synod

#### Office Bearers

The synod of Fife was keen to enforce a strict hierarchy in the offices of reader, exhorter and minister. Corresponding to *The First Book of*

<sup>12</sup> St Andrews' University Muniments, MS 30451, undated [hereafter StA, MS 30451]. This manuscript was discovered by Mr R.N. Smart and Professor J.K. Cameron. Preliminary analysis of its contents has been carried out by Dr Jane Dawson to whom I am grateful for bringing it to my attention.

<sup>13</sup> The document comprises four large folded sheets originally secured in the middle with a stitch to give a cover and six folios. The front cover and the first three folios, which contain an identifying inscription, all of the questions and the first 17 enactments, have been badly damaged. Although the identity of the court of origin has been lost several references to the superintendent and his synod, in particular the superintendent and ministry of St Andrews, have led to the conclusion that the court was the synod of Fife. Internal evidence indicates that the document was compiled c. 1570 independent of, and unconnected to, the General Assembly's instruction in July 1569 to gather and publish the acts of the Assembly which concerned the common affairs of ministers and superintendents, although a number of the ordinances are directly attributable to the General Assembly. *BUK*, i, 155.

<sup>14</sup> StA, MS 30451, fo. 5v. The use of the term "incumbent" in this paper is used to indicate either the minister or exhorter or reader of a parish.

*Discipline*, the lower offices of reader and exhorter were seen as intermediary steps undertaken by those aspiring to a full ministerial post. The synod ruled that no reader would be permitted to continue in post for more than three years unless he demonstrated that he had gained in knowledge during that time.<sup>15</sup> Through study and an increased "knowledge of letteris" readers could, and should, become exhorters and, eventually, ministers.<sup>16</sup> Exhorters were likewise to continue to study. Together with others "haweing ye gift to interpret" they were expected to travel up to 10 miles to attend and participate in the "exercise", where, as *The First Book of Discipline* explained, they would take turns to expound on scriptural passages before the critical judgement of their brethren.<sup>17</sup> To demonstrate visually the distinctive roles these three ecclesiastical offices the synod proclaimed the pulpit to be the exclusive domain of ministers and barred readers and exhorters from entering it.

It is statut and ordanit yat no mane presume or tak wpon hand to preache or teache in ye pulpat, bot sic as ar admittit ministeris and to minister ye sacrament of ye body and blud of Christ and yat all vther exhortaris and readaris stand in sume vther plaice deput to yame to wse ye execution of yair officis.<sup>18</sup>

The behaviour of those who held office in the church at parish-level, the incumbents, elders and deacons, was crucial to the synod's attempt to impose province-wide policies. The synod was keen to establish a resident, parish-based and parish-serving clergy. Regardless of the office held, any person presented to a church was to make his residence in the parish.<sup>19</sup> He was not to set tacks of either his manse or his glebe or any other part of his benefice without licence under the

<sup>15</sup> *The First Book of Discipline*, ed. J.K. Cameron (Edinburgh, 1972) [hereafter *FBD*] 111. *The First Book of Discipline* suggested that a reader should not remain in post beyond two years.

<sup>16</sup> StA, MS 30451, fo. 4v.

<sup>17</sup> *Ibid.*; *FBD*, 188-91. *The First Book of Discipline* suggested that those attending the exercise should be prepared to travel up to six miles.

<sup>18</sup> StA, MS 30451, fo. 5v.

<sup>19</sup> *Ibid.*, fos. 5r-v, 7r.



pain of deprivation.<sup>20</sup> A fining scheme was adopted to encourage incumbents to attend to their charges on the Sabbath. Those who absented themselves were required to justify their absence to their kirk sessions. If the session was not satisfied with their excuse a financial penalty, payable to the deacons of the church for distribution to the poor and the common affairs of the church, was levied: 8s 4d for readers, 10s for exhorters and 20s for ministers.<sup>21</sup> The synod also forbade incumbents from preaching, administering the sacraments or solemnising marriages outwith their own parish without first obtaining a licence from either the minister of the other bounds or from Winram as their superintendent.<sup>22</sup>

Because every incumbent presented to a parish had first to be examined and accepted by his superintendent as being both qualified and suitable for the post there was considerable control over those admitted.<sup>23</sup> Such control did not extend to those admitted to the eldership and the diaconate within a province. In attempting to instil discipline into these offices the synod of Fife faced serious problems.

In some parishes parishioners were refusing to accept their election to the eldership or diaconate or, having accepted an office in principle, subsequently refused to perform their duties in practice.<sup>24</sup> Conscientious discharge of the offices of deacon or elder brought honour to God. Refusal either to accept such an office or to discharge the duties associated with it was to reject the manifest will of God and to bring His judgement upon the Scottish church. The synod ruled that all men guilty of such an offence were to be excommunicated. Their own parish minister was prohibited from administering the sacraments

<sup>20</sup> *Ibid.*, fos. 7r-v.

<sup>21</sup> *Ibid.*, fo. 6v.

<sup>22</sup> *Ibid.*

<sup>23</sup> In April 1561, immediately following John Winram's admission as superintendent, his court ruled that all existing and future church personnel within his province were to be examined by him. *RS&KS*, i, 75-6. The General Assembly also sanctioned the examination of church personnel by superintendents, *BUK*, i, 15, 59-60. References to Winram examining candidates presented to chaplainries and vicarages can be found in National Library of Scotland, Adv. 17.1.3, new fos. 358r, 395r-v.

<sup>24</sup> *StA*, MS 30451, fo. 5r.

to them, "nor zit to your seid", a prohibition which extended to every other minister within the synod's jurisdiction.<sup>25</sup>

The refusal of some to accept or discharge the office of elder or deacon was serious enough. When some congregations elected excommunicated members as their elders and deacons the synod faced an even more disconcerting problem. *The First Book of Discipline* had allowed only those men "of best knowledge in Gods word and cleaneest life, men faithfull and of most honest conversation" to be put forward for election. Any "noted with publick infamie" were to be "repelled".<sup>26</sup> In some parishes of Fife these ordinances were being ignored. Responding to the potentially anarchic prospect of kirk sessions being staffed by excommunicated parishioners the synod issued a blanket-ban that no excommunicated persons were to be chosen or admitted to the office of elder or deacon or any other office in any congregation.<sup>27</sup>

### Worship and Rites of Passage

When the synod turned its attention to the conduct of public worship it made few departures from the guidelines issued in *The First Book of Discipline*.<sup>28</sup> Incumbents of landward parishes were to read the common prayers early each Sunday, to enable the servants in the parish to attend before beginning their day's work, with the main Sunday service being held at 10 am.<sup>29</sup> The main service was the occasion when the sacraments of baptism and communion were administered, for which no fee was to be extracted, a practice which John Winram had

<sup>25</sup> *Ibid.* The refusal of sacraments to the children of those excommunicated was sanctioned in *The First Book of Discipline* (*FBD*, 170). However, this ruling was overturned by the General Assembly in 1569. (*BUK*, i, 170). The largely chronological recording of the St Andrews manuscript dates the relevant ordinance c.1563, before the Assembly's ruling. The synod's failure to modify its ordinance is likely to be due to simple oversight.

<sup>26</sup> *FBD*, 174.

<sup>27</sup> *StA*, MS 30451, fo. 5v.

<sup>28</sup> *FBD*, 180-7. *The First Book of Discipline* endorsed the use of *The Forme of Prayers and Ministration of the Sacraments, &c. Used in the Englishe Congregation at Geneva* (Geneva, 1556) which, after modification, formed the 1564 *Book of Common Order*.

<sup>29</sup> *StA*, MS 30451, fo. 6v.

occasion to condemn in his superintendent's court.<sup>30</sup> As was standard, the celebration of communion was preceded by an examination and admission was restricted to those who could recite the Lord's Prayer.<sup>31</sup> In Fife an additional condition required those admitted to be above 15 years of age.<sup>32</sup> *The First Book of Discipline* set no minimum age requirement and this ruling seems to have been peculiar to the Fife synod.

When considering rites of passage the synod was at pains to eradicate some local customs. Those intending to marry were to have their marriage banns proclaimed on three Sundays prior to the marriage.<sup>33</sup> If, during that time, a lawful impediment was alleged the proclamations were to cease while the minister appointed a day for the allegations to be heard either before the kirk session or before John Winram and his superintendent's court in St Andrews.<sup>34</sup> Following the successful proclamation of the banns the marriage was to be solemnised, on a Sunday only, within forty days.<sup>35</sup> One final hurdle remained to be cleared before any marriage was solemnised in Fife: the parties to be married and their parents were to secure caution that the celebrations following the marriage would be decorous. They were to promise the minister:

that yai sall not vse or tholl be visit in ye day of yair mariage  
ony pyping or fiding or ony vther sic licht vaniteis in oppin  
streittis, about marcat croces or ony vther common plaice.<sup>36</sup>

Those who broke their promise would find themselves subject to the discipline of the church. In attempting to prevent frivolity before the marriage ceremony the synod was even more severe. All parties were

<sup>30</sup> *Ibid.*; *RS/ACS*, i, 226-7.

<sup>31</sup> *Cf. FBD*, 184-6. Damage to the manuscript does not allow the full reading of the requirements for admission. It is possible, but unlikely, that the synod followed *The First Book of Discipline*'s requirement that the Lord's Prayer, the Articles of Belief, and the Ten Commandments were all to be recited.

<sup>32</sup> *StA*, MS 30451, fo. 4v.

<sup>33</sup> *Ibid.*, fo. 4r; *cf. FBD*, 195.

<sup>34</sup> *StA*, MS 30451, fo. 6v.

<sup>35</sup> *Ibid.*, fos. 4r-v; *cf. FBD*, 195-6.

<sup>36</sup> *StA*, MS 30451, fo. 5v.

warned that if they came to the church "haweing baggyppis plaiaid befor yame" they would be turned away and "nocht be mariet for yat day".<sup>37</sup>

As regards burials the synod of Fife both abridged and amended a General Assembly ordinance of 1563 which stated:

Touching the buriall of the poore in every parochin to landwart,  
it is ordainit that a beere be made in every paroch to carrie the  
dead corpes to buriall, and that village or house wher the dead  
lyes, with the nixt house adjacent therto, or a certaine number  
of every house, sall convey the dead to the buriall, and eird it  
saxe foote under the eird.<sup>38</sup>

The synod removed the concluding instructions (which were specific to the superintendent and not pertinent to parish incumbents) and added to the Assembly ordinance as follows:

ewerye parochin vpon land. It is ordenit yat ane beir be maid  
rtps to buriall. And village or toun quhair ye deid lvis ... acent  
thairto or ane nomber of everie houss convey ye ... eyther  
*singing reding or viher serimonye* and zeard ye ... zeard, and  
*yat nane be zeardit in ye mycht or without ye* ...<sup>39</sup>

Textual variation renders it uncertain whether or not *The First Book of Discipline* had originally allowed incumbents to exercise their own discretion in deciding if singing and scripture readings would accompany a burial.<sup>40</sup> The wording in the St Andrews manuscript suggests that the synod of Fife permitted no such liberty of opinion but issued instead a province-wide condemnation of such practices, in line with the practice observed in Geneva.<sup>41</sup>

<sup>37</sup> *Ibid.*

<sup>38</sup> *BUK*, i, 43.

<sup>39</sup> *StA*, MS 30451, fo. 4v, my emphasis.

<sup>40</sup> *The First Book of Discipline*'s burial practice is ambiguous because of an *additio* in one manuscript which permitted incumbents to allow singing and readings at burials. *FBD*, 199-201, at 200 note b.

<sup>41</sup> W.D. Maxwell, *John Knox's Genevan Service Book 1556. The Liturgical Portions of the Genevan Service Book* (Edinburgh, 1931), 161-4.

The meaning of the second addition, "and yat nane be zeardit . . .", is clear from another synod ordinance. In an effort to end the practice of secret burials of infants and children, believed to have been conceived in "adulterie, incest or sic wther ingodlie wayes", the synod forbade night-time burials. The dead were only to be taken to the burial ground between the hours of sunrise and sunset, accompanied by a number of faithfull men. Those who broke this rule by conducting a secret burial were to be held guilty of the murder of the person so buried.<sup>42</sup>

The synod was keen to affirm the sanctity of the burial ground. Night-time burials were condemned both for their secrecy and for being outside the common burial ground of the churches. Illegitimate and other infants who died unbaptised were commonly buried at the roadside or at "Lekkir" stones, large stones often situated at cross-roads and roadside shrines. These sites were traditionally associated with burials in the belief that they afforded the best alternative resting place for those, such as the unbaptised, forbidden to be buried in consecrated ground. In preserving the sanctity of the burial ground the synod not only sought to get the bodies of innocent children in, but also to keep the bodies of renegades out. To enforce this the synod forbade those who died while excommunicated to be buried within the church burial ground. The justification of this move argued that:

all sic personis as desyrit not ye societie of ye faithfull quhen  
yai war leweand be nocht participant of yair company quhen  
yai ar deid.<sup>43</sup>

### Social Control

The synod's enactments which concerned social control concentrated on standardising the practices surrounding Sabbath observance, detecting illegitimate children, presentments for baptism and marriage contracts. The synod required incumbents to pursue absentees from the Sabbath services from all levels of society and detailed fines for many different social groups. There was to be no allowance made for rank,

<sup>42</sup> StA, MS 30451, fo. 6r

<sup>43</sup> *Ibid.*, fo. 7r.

indeed the opposite was true with those of highest rank subject to the heaviest penalties. Earls, lords and great barons who failed to attend the Sunday sermon or prayers were to be fined £2. Each subsequent lapse increased each subsequent fine by a further £2. Using the same formula the fines for small barons, gentlemen and burgesses began at 10s, fines for husbandmen and craftsmen began at 2s.<sup>44</sup> Regardless of rank, any who did not pay were to spend two days in prison on bread and water for each default. The synod noted that this fining and jailing policy was "to be understand alsweill of ye wemen as of ye men".<sup>45</sup> Other ordinances introduced similar scales of fines for absence by other groups within the parish, including the incumbents themselves. The smallest fine, 4d, was levied on householders.<sup>46</sup> The fining system with its provision for repeated absence and refusal to pay the fines is indicative of how common Sabbath breach could be.

Although the synod set rigorous standards of pursuit for Sabbath breakers from the higher ranks of society it showed considerable sensitivity to the lot of the "puir cottaris" and the "puir laboraris". In the judgement of the synod the cotters were so "constranit be yair maisteris unmerciles oppressiounis" that they were forced to work their own small plots of land on the Sabbath, their only free time, "expreslie aganis Goddis command". Labourers were similarly forced to break the Sabbath by their masters. Recognising where the root of the problem lay the synod ruled:

It is requyrit in ye name of God yat all gentill men and wtheris  
hawing cottaris and tennentis vndir yame yat yai wald be sa  
cheritabill to yame to gif yame licence in tyme of harwest fra  
xii hours furth ilk Settirday to scheir and win yair awin come.  
And sicklyk yat yai will nocht charge yair tennentis with yair  
careage vponne Sounday. Certefeing all yame yat sall do in ye  
contrair heirof, and sall caus yair tennentis and laboraris to  
neglect ye service of God and work vponne Sounday, yai salbe

<sup>44</sup> The fine for a third offence by husbandmen and craftsmen did not follow the formula, but was set at 6s 8d.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*, fo. 6v.



accusit as transgressoris of ye command of God and breikaris of ye Sabbath day....<sup>47</sup>

The synod's response to Sabbath breaking was complex, as was the system it constructed to detect illegitimate children. The highly dangerous time of childbirth was known to encourage spontaneous confessions. To capitalise on this the first line of detection employed by the synod was the attending midwives. Before any midwife assisted with a birth she was to exploit the mother's vulnerability and enquire of her who the father was and whether the child was legitimate. The midwife was then, "in gudlie haist", to pass this information on to the parish incumbent. Failure to comply would result in punishment.<sup>48</sup>

Should this method of detection fail a second source of information was the wet-nurses. Before accepting any infant to nurse they were required to obtain the names of both parents and to determine the legitimacy of the child. Representatives of the parish church, probably the elders, would visit known wet-nurses to ascertain who was paying for each child in their care in a bid to identify fathers supporting their illegitimate offspring. As with the midwives, wet-nurses who failed to comply were subject to punishment.<sup>49</sup> Single mothers nursing their own infants were also targeted. No one was permitted to offer them refuge in their house without first checking who the child's father was and whether the child was legitimate.<sup>50</sup>

Yet another opportunity for detection was provided when the child was presented for baptism. This time the onus of detection fell upon the parish minister and kirk session. The synod ruled that children should, where at all possible, be presented for baptism by their fathers so that the identity of each child's father would be known and so too his relationship with the mother. Those couples known to be unmarried were compelled to undertake public satisfaction before their child was baptised.<sup>51</sup>

<sup>47</sup> *Ibid.*, fo. 5r.

<sup>48</sup> *Ibid.*, fo. 6r.

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*, fo. 7v.

<sup>51</sup> *Ibid.*, fo. 4r.

Some illegitimate children were the offspring of couples who, although contracted to marry, had not solemnised their union. Many of the synod's ordinances regarding marriage contracts attempted to regularise and bring under the church's jurisdiction the long accepted practice of handfasting. Secret promises of marriage which had been followed by sexual intercourse were not to be recognised as marriage contracts. Those who engaged in such practices were condemned as "brekkaris of guid ordor and sklanderaris of ye kirk" and punished as fornicators.<sup>52</sup> Only those promises of marriage made before witnesses were to be recognised. Ideally the synod wanted the witnesses to be the parish incumbent and two of his elders, necessitating the church's involvement with all marriages at the initial point of contract. At the very least the witnesses had to be honest and faithful.<sup>53</sup>

Even if the contract was made before the necessary witnesses it could still be ruled invalid if, for example, the parties were underage and had not secured the consent of their parents or guardians, or if one of the parties was tied by an existing contract of marriage.<sup>54</sup> When it was known that a previous contract existed it was necessary to obtain a church decree stating that the first contract was either unlawful or had been legally broken. Only then could a subsequent contract be recognised and the couple proceed to marriage.<sup>55</sup>

### Visitation Questions

The detailed list of questions which precede the synod's enactments has no known contemporary Scottish parallel.<sup>56</sup> The areas of oversight are similar to those proposed by the Assembly in 1602 in connection with "the forme and subject of visitatioun of kirks" but there are striking differences.<sup>57</sup> The guidelines issued in 1602 were for use by presbyteries and commissioners of congregations when carrying out an examination of ministers, congregations and presbyteries themselves.

<sup>52</sup> *Ibid.*, fo. 6r.

<sup>53</sup> *Ibid.*, fo. 4v.

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*, fo. 5r.

<sup>56</sup> *Ibid.*, fos. 3r-v.

<sup>57</sup> BUK, iii, 991-4.

ye superintendent at his visitationis of yame yat hes transgressit  
ye samin<sup>60</sup>

Although *The First Book of Discipline* detailed the areas to be examined during parish visitations it was silent regarding the procedure followed.<sup>61</sup> By combining the St Andrews manuscript with other fragmentary sources it is possible largely to reconstruct the visitation process followed by John Winram as superintendent of Fife.

### Visitations

John Winram himself sent advance warning to each incumbent advising him of the day and time of a forthcoming visit. The incumbent was required to publish this warning and diligently to insist that "all gentill men and vtheris inhabitantis" of his parish convene on the day of visitation for a period of two or three hours. During that time a sermon would be preached and the ordinances of the "generall kirk" would be proclaimed.<sup>62</sup> It is apparent that some parishioners objected to this imposition on their time. In justifying the lengthy congregational gathering the synod recalled previous acquiescence to the pre-reformation observance of holy days:

In respect of ye mony and diverse superstitious halie dayis quhilk ye pepill in ye tyme of papistrie wer chargit and onerat to keip ye samin holy day and now mercifullie is releuit yairfra Thairfoir in ye name of God it is requyrit yat ye hail inhabitantis of everie congregatioun convene ... at ye tyme of ye superintendentis visitationis.<sup>63</sup>

<sup>60</sup> StA, MS 30451, fo. 7r.

<sup>61</sup> *FBD*, 122-3.

<sup>62</sup> Although *The First Book of Discipline* required the sermon to be preached by the superintendent it is clear from the minutes of the General Assembly that Winram often vacated the pulpit in favour of the incumbent, as did some other superintendents. The ordinance of the synod did not specify who should preach. *Ibid.*, 123; *BUK*, i, 25, 39, 112.

<sup>63</sup> StA, MS 30451, fo. 5v.

However, the Assembly did not offer a list of precisely worded questions. Instead it provided a detailed summary of areas of ministerial, congregational and presbyterial activities to be scrutinised, the predominant emphasis being the examination of *ministers'* practice and behaviour in the discharging of their ministerial duties.<sup>58</sup>

By contrast the precisely formulated questions contained in the St Andrews' manuscript were to be asked of incumbents during the superintendent's visitation of their parishes and concentrate on the standard of behaviour observed by *parishioners*, for example, the behaviour of drunkards, night-walkers, reseters, minstrels, schoolteachers and separated couples, rather than on ministerial practice.<sup>59</sup> With few exceptions, questions regarding parishioners' behaviour begin "gif thay know..." Such a formulation provided an overall picture of the general standard of discipline observed in each parish. In addition, answers to the questions provided a list of deviants who could then be summoned before the superintendent's court.

### The Superintendent of Fife

Issuing each incumbent with a copy of the synod's ordinances and the questions to be asked of him during the superintendent's visitation alerted him to where the emphasis of his parish oversight should lie. In effect, each incumbent received a code of good practice to be observed within his parish. Monitoring an incumbent's enforcement and a congregation's observance of this code constituted a major part of Winram's superintendency visits:

it is ordenit yat ewerie minister or reader within yis juresdixcon have the copy of yir actis to ye effect yai may know how ye saidis actis ar observit in yair congregatioun and yat yai may admoneiss ewerie man respectie of his awin part and informe

<sup>58</sup> For example whether he was resident, how often he preached, whether he diligently visited his parish and whether he regularly met with his kirk session.

<sup>59</sup> Of those questions which, from their remaining fragments, are known to concern either parishioners' or ministers' behaviour over two-thirds concern the behaviour of parishioners.

From the earliest days of John Winram's superintendency he monitored the state of church buildings during his visitations.<sup>64</sup> He also made a close examination of the competence of each incumbent. He personally tested their doctrinal stance and their reading skills. By a judicious "inquisicione amangis thar flok" the personal life and conversation of each incumbent was also checked.<sup>65</sup> However, the main purpose of the visitation was not so much to scrutinise the buildings or the incumbent as to scrutinise the incumbent's oversight of his parish. To this end the parish registers of births, marriages and deaths were examined.<sup>66</sup> Referring to the charter of recess "quhairin is contentit ye faltis fund" at Winram's previous visitation incumbents were required to demonstrate their diligence in correcting and punishing these old faults.<sup>67</sup> They were also required to inform Winram of those who had transgressed the ordinances issued by the synod.<sup>68</sup> By asking the questions set by the synod, the current state of the parish was determined. At the conclusion of his visitation Winram would issue a new charter of recess for his and the incumbent's records. Serious faults were referred on, if necessary directly to the General Assembly, or to the synod, or, more probably, to the superintendent's court.

### The Superintendent's Court

**Typical Years**  
It is difficult to reconstruct the typical functioning of Winram's superintendent's court. The court officially operated from April 1561 to March 1571/2. However during many of these years the running of

both the superintendent's court and the kirk session was either disrupted or atypical.

In 1561 and 1572 the superintendent's court did not meet for the full year. In 1566 and 1567 national and local disruption surrounding the Chaseabout Raid and exile of Lord James Stewart, Earl of Moray and commendator prior of St Andrews, the murders of David Riccio and Henry, Lord Damley and Mary's abdication rendered the functioning of both courts virtually impossible.<sup>69</sup> In 1570 St Andrews was again rocked by both national and local events. January saw the assassination of Lord James Stewart, then Regent Moray. In April the town witnessed the beginning of a long running and acrimonious dispute between its minister, Robert Hamilton, and James Carmichael, which divided the church.<sup>70</sup> Further, in August Winram found himself accused of papistical practices for accepting the role of *oeconomus* of the Priory.<sup>71</sup> Such a disturbed year was reflected in the running of the superintendent's court and the numbers of cases raised fell significantly. Things did not improve the following year. In April 1571, having made several unsuccessful attempts to demit his office before the General Assembly, Winram made a similar attempt before the kirk session.<sup>72</sup> Although technically this attempt was also unsuccessful, in effect it marked his departure from office. Only two cases were heard before the superintendent's court after that date. Thus of the 12 calendar years during which the court ran only from 1562-65 and 1568-69 is it possible to examine any broad trends exhibited by the court.

<sup>64</sup> A serious complaint was raised during John Winram's visitation of Ballingary in 1561 about the disrepair of the parish church. Having issued instructions for its repair Winram made a return visit to the parish to monitor the minister's conformity. *RStAKS*, i, 82-9.

<sup>65</sup> *Ibid.*, 75-6.

<sup>66</sup> *StA*, MS 30451, fo. 5v.

<sup>67</sup> *Ibid.* These charters possibly formed the Books of Visitation kept by each superintendent and, from March 1570/1, examined at each Assembly. None of these books is known to have survived. *BUK*, i, 184.

<sup>68</sup> *StA*, MS 30451, fo. 7r.

<sup>69</sup> For a fuller discussion on the effect of these crisis years on the superintendent's court and the kirk session of St Andrews see my forthcoming thesis.

<sup>70</sup> *RStAKS*, i, 334-5, 338-9; *BUK*, i, 179; R. Bannatyne, *Memorials of Transactions in Scotland, A.D. MDLXIX - A.D. MDLXXVIII*, ed. R. Pitcairn (Edinburgh, 1836), 258-60.

<sup>71</sup> *BUK*, i, 179-80. John Winram was elected *oeconomus* of St Andrews' priory in April. Moray Muniments, National Register of Archives (Scotland), Collection 217, Box 15, No. 52. John Winram to Anna Keith, Countess of Moray, 22 April 1570.

<sup>72</sup> *RStAKS*, i, 346-7.



### The Inheritance of the Kirk Session

On being elected superintendent of Fife John Winram inherited the kirk session of St Andrews as his court. By April 1561 a pattern of election to, and membership of, the session had been established which continued largely unchanged for the next decade. From the available election lists the average kirk session, in the years 1559 to 1571, consisted of 12 elders and eight deacons with an average of three new deacons and one or two new elders elected each year.

Prior to April 1561 the kirk session operated in several capacities. It acted as a court of first instance for the citizens of St Andrews, as a regional court of first instance where no local kirk session was established, and as a regional court of appeal where the actions of a local kirk session were disputed. The matters which the kirk session dealt with varied considerably. In the months immediately following the reformation in St Andrews the session had overseen the public recantations of those who had been most heavily involved with the pre-reformation church.<sup>73</sup> Later, during its fortnightly meetings, the session heard a range of cases about doctrine, religious observance, sexual misdemeanour, paternity and marital disputes, and civil crimes such as resetting and violence. Conspicuous by its absence from its case load was the disciplining of church personnel.

### Cases

Like the kirk session, the superintendent's court also met in many different guises.<sup>74</sup> As a court of first instance matters ordinarily

<sup>73</sup> J.E.A. Dawson, 'The Face of Ane Perfyrt Reformed Kyrk': St Andrews and the Early Scottish Reformation" in *Humanism and Reform: The Church in Europe, England and Scotland, 1400-1643*, ed. J. Kirk, Studies in Church History Subsidia 8 (Oxford, 1991) 413-35, at 428-9.

<sup>74</sup> The kirk session was not supplanted by the superintendent's court and continued to meet in its own right after John Winram's admission. In general, the entries in the register do not distinguish between minutes of the kirk session and minutes of the superintendent's court. The convention that has been followed in this study to determine which matters were brought before the superintendent's court and which before the kirk session is first, *all* matters raised at any meeting stipulated as being one of the superintendent's court have been included; second, *all* matters raised at a meeting during which any *one* item of business is clearly identified as pertaining to the superintendent's court have been included; third, *all*

competent before the kirk session were heard by the superintendent's court if it was the court sitting that day. Also, where no local kirk session existed to hear a case the matter was raised before the superintendent's court as, prior to April 1561, it had been raised before the St Andrews' kirk session. As an exclusive court of first instance the superintendent's court heard all cases involving church personnel, and, between June 1561 and August 1563, all petitions for divorce.<sup>75</sup> The court also functioned as a court of appeal where a local session could not enforce its own discipline. Such appeals could only be made by a kirk session complaining about an individual within its parish. An individual wishing to complain about his or her local minister or kirk session was, after June 1563, directed to the superintendent's synod.<sup>76</sup>

The minutes of the superintendent's court do not give all the details of each case so only comparisons of different types of cases heard before the court can be made. During the years 1562-65, 1568-69 the average number of new cases raised before the superintendent's court each year was 29.<sup>77</sup> Although this was three times as many as the kirk session heard while the two courts ran concurrently it was close to the

matters raised at meetings which were abandoned, with cases continued to a future date, because the superintendent was absent have also been included. This method of segregating the business of the superintendent's court from that of the kirk session, and consequently the analysis obtained, differs from that adopted by Graham who has restricted his selection to those cases during which John Winram was reported as being present and to those cases where it was recorded that the kirk session was acting in his name. M.F. Graham, *The Uses of Reform: 'Godly Discipline' and Popular Behaviour in Scotland and Beyond, 1560-1610*, (Leiden, 1996), 82.

<sup>75</sup> In December 1562 the General Assembly ordained that from thenceforth no office bearer was to take cognition of divorce cases except the superintendents and those to whom they gave special commission. *BUR.* i, 30. In 1564 all cases of divorce were to be heard by the commissary courts. In particular, cases from St Andrews were heard in the Edinburgh court which was established in 1564.

<sup>76</sup> *Ibid.*, 32-33; StA, MS 30451, fos. 6r-v.

<sup>77</sup> 26 in 1562 and in 1563, 35 in 1564 and in 1565; 29 in 1568 and 25 in 1569. In this study each charge investigated is understood as a "case". Thus a couple accused of adultery counts as one "case", whether one or both parties appeared before the court. A charge of not adhering to a spouse which was met by a counter charge of adultery against the accuser counts as two "cases", one of not adhering and one of adultery.

offices were all liable to summons. 1563 saw an unusually high number of five cases raised before the superintendent's court, but on average only one case per year fell into this category. Of the cases that were settled before the court five resulted in temporary inhibitions from office and/or an order to make public repentance in the church in which the offence had been committed.<sup>82</sup> Two resulted in the defaulters being permanently deprived or excommunicated,<sup>83</sup> and on one occasion the minister and elders of the kirk session were summoned before the superintendent's court.<sup>84</sup>

Clerical defaulters came from a wide geographical area covering Fife, Perthshire and Strathern. Most churches produced only one case but Crail produced four. While John Melville, brother to Andrew, was minister of Crail the superintendent's court was often involved in the affairs of his church. In 1561 Melville requested the court to force several of his parishioners to underlie discipline for their offences.<sup>85</sup> In 1563 Melville himself was summoned before the superintendent's court for allowing his reader, Thomas Skirling, to conduct marriages and baptisms. In particular he had permitted Skirling to conduct the marriage of Peter Jack against the express inhibition of the superintendent's court.<sup>86</sup> In December 1565 a similar charge of improperly conducting a marriage was brought before the General Assembly by Winram against Melville himself.<sup>87</sup> And in April 1566 sir John Davidson was charged before the superintendent's court with administering baptism in Crail when not authorised.<sup>88</sup>

### Resolution of Cases

The cases from Crail indicate that where there was a problem with the behaviour of church personnel the superintendent's court could enforce

<sup>82</sup> *RS/ACS*, i, 176-8, 179, 179-80, 277, 282.

<sup>83</sup> *Ibid.*, 172, 243-4.

<sup>84</sup> *Ibid.*, 176-8.

<sup>85</sup> *Ibid.*, 104-11.

<sup>86</sup> *Ibid.*, 176-8. Despite being advised that Peter Jack had been impeded from marrying until a prior claim of marriage had been settled by the superintendent's court, Melville had sanctioned the marriage.

<sup>87</sup> *BUK*, i, 73.

<sup>88</sup> *RS/ACS*, i, 277.

25 cases (excluding recantations) raised before the kirk session in 1560, its only full year of operation before the establishment of the superintendent's court.

There is a noticeable difference in types of cases raised in the superintendent's court before and after 1566-67. In the years 1562-65, 78% of the cases raised concerned marital or sexual offences. Although the formation, in 1564, of commissary courts removed some marital problems, such as divorce, from the jurisdiction of the superintendent's court the loss of these cases was initially balanced by an increase in the number of cases of other marital and sexual misdemeanours.<sup>78</sup> In 1564-65, cases of fornication doubled, and numbers of paternity claims increased. The court also judged more claims of marriage and attempts to stop marriages.

In 1566-67 the activities of the kirk session and of the superintendent's court all but ceased.<sup>79</sup> When the courts did resume they quickly regained their pre-1566 case load levels; however marital and sexual offences now accounted for only 57% of the cases raised. Over one third of cases now involved church discipline, religious observance and social discipline, double the level of 1562-65. Cases of disobedience to the discipline of the church more than doubled from their pre-1566 levels.<sup>80</sup> Cases of breaking the Sabbath laws, previously unheard of before either court, became one of the most frequently heard categories of offence in the period 1568-69.<sup>81</sup>

Winram's oversight of his province did not just mean oversight of the laity. He was also responsible for ensuring the correct behaviour of his fellow clergy. Ministers, readers, exhorters and pretenders to these

<sup>78</sup> St Andrews' own commissary court was considered a great asset by Regent Moray who admitted that he, 'havand regard to ye povertie and decay of ye citee of Sanctandros hes taine panis to procure yis iurisdiction and sait of iustice ... to be placit within ye said citee to ye increase of ye comoun wealth yairof.' St Andrews' University, St Salvator's Muniments, SS.110.C3, 9 March 1563/4.

<sup>79</sup> 1566 saw a combined total of 20 cases raised before both courts, compared with 49 the previous year. 1567 saw only four cases raised.

<sup>80</sup> From a total of three in the years 1564 and 1565 to a total of seven in the years 1568 and 1569.

<sup>81</sup> From nil in the years 1564 and 1565 to a total of seven in the years 1568 and 1569.

punishment. Adulterers were similarly committed to the civil magistrate.<sup>89</sup>

**Excommunications**

The most severe punishment at the disposal of the court was that of excommunication. Classes of offenders subject to excommunication identified by the synod included murderers and adulterers,<sup>90</sup> those who maintained Catholic practices,<sup>91</sup> those who persistently absented themselves from their parish church,<sup>92</sup> those who refused to be reconciled to "amitie, luf and kyndnes",<sup>93</sup> those who refused to obey the discipline of the church<sup>94</sup> and those who refused to accept or discharge the office of elder or deacon.<sup>95</sup> After due process and admonition any minister who had such offenders in his parish could proceed to excommunicate them, the right to excommunicate did not rest solely with John Winram as superintendent.<sup>96</sup> Those who were excommunicated faced heavy sanctions. The synod ruled:

It is inhibit and straitlie forbiddin yat any excommunicat persone be admittit to ye communion or participacione of ye sacramentis nor to ye societie of ye faythfull pepill of God in common praying or wyerwyse except onlie in herring of Goddis Word.<sup>97</sup>

<sup>89</sup> The reformed church repeatedly petitioned the civil authorities to make adultery a capital offence. The seriousness of the charge was not always appreciated by those who brought it against their spouses. At times the court was adept at reconciling couples by warning that the continued pursuit of the charge might lead to the partner's death. For example *ibid.*, 222.

<sup>90</sup> StA, MS 30451, fo. 7r.

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*, fo. 5r.

<sup>93</sup> *Ibid.*, fo. 5v.

<sup>94</sup> *Ibid.*, fo. 7v.

<sup>95</sup> *Ibid.*, fo. 5r.

<sup>96</sup> *Ibid.*, fo. 5v.

<sup>97</sup> *Ibid.* As has already been noted, the excommunicated were also forbidden from holding public office in the church and from being buried in the common burial ground. *Ibid.*, fos. 5v, 7r.

close and effective oversight. Over all case types both the superintendent's court and the St Andrews' kirk session resolved cases at an impressive rate. During the 16 month period to April 1561, 59 cases were raised before the session including 27 recantations. Of these 59 cases 95% were brought to some form of resolution with judgements being pronounced. Following the establishment of the superintendent's court the session's resolution rate dropped slightly to 82%, close to the 81% of cases that the superintendent's court resolved. Cases were not always brought to the conclusion that the church might have wanted. Not everyone confessed to their misdeed and performed their public repentance. Many cases were shifted sideways to the civil magistrate. Nevertheless, they were cleared from the church's courts.

By the time a case reached the superintendent's court there had already been many local and/or private initiatives to resolve the case. The majority of cases (61%) were heard on only one occasion with the superintendent's court often acting as an official witness to a matter already resolved rather than as the judge and jury in an undecided case. A typical scenario would see the party summoned either confess or be proven guilty or innocent, by witnesses already gathered, and, where appropriate, receive sentence.

When a charge was confessed or proven before the superintendent's court a number of punishments could be imposed. Some misdemeanours resulted in no more than an admonishment. Others required a public act of satisfaction before the congregation. Successful claims of marriage often led to no more than the parties being instructed to solemnise their marriage within a set time under pain of excommunication. Similarly, charges of non-adherence, when proven, were most often dealt with by an order to adhere within a given time limit, again under pain of excommunication. Charges of fornication and adultery were dealt with more severely. Confessed fornicators might find themselves undertaking any combination of being charged to marry, to complete some form of public satisfaction before the congregation or being referred to the civil magistrate for additional



The need for continuity of practice in excommunication was recognised by the synod. To be effective the sanctions had to apply throughout the province, and indeed the realm. To ensure that no one circumvented these sanctions by travelling to another parish the synod clearly and frequently stated that the sanctions were to be enforced by every minister within its jurisdiction.<sup>98</sup>

Graham has noted that "excommunications were much more likely to be issued under John Winram's authority".<sup>99</sup> Of the 20 people excommunicated during the period in which both the kirk session and the superintendent's court ran concurrently 16 were dealt with exclusively by the superintendent's court.<sup>100</sup> The appearance of these 16 in the records marked the final concluding moment of a long running but ineffective attempt to subject them to local discipline. They were all summoned on only one occasion to appear before the superintendent's court. They all failed to appear and letters of excommunication were issued against them. The letters were directed to a local kirk session authorising it to proceed with the excommunications, a process which *The First Book of Discipline* described as both grave and slow.<sup>101</sup>

Just how grave and slow this process was is evident from the cases of John Dalgleish, Janet Wemyss, John Bicarton and Helen Inglis, all from St Andrews, who were excommunicated. The procedure to excommunicate Dalgleish and Wemyss took four months, for Bicarton it took two months, and for Helen Inglis six weeks.<sup>102</sup> These local

<sup>98</sup> *Ibid.*, fos. 5r, 7r. The full effect of excommunication was experienced by John Bicarton who sustained "gret damneg and disays in guddis and body". *RS/ACS*, i, 205-6. This case is discussed in Dawson, "The Face of Ane Reformed Kirk": St Andrews and the Early Scottish Reformation", 430-1.

<sup>99</sup> Graham, *The Uses of Reform*, 85, note 39.

<sup>100</sup> No excommunications occurred before the establishment of the superintendent's court. Some bias towards the superintendent's court is to be expected if only for the simple reason that it heard three times as many cases as the kirk session.

<sup>101</sup> *FBD*, 167. 11 of the 16 are positively identified as residing outwith St Andrews. The remaining five give no place of residence. Their crimes included adultery, disobedience, administering the mass, fornication, absence from communion, whore mongering and neglecting the office of readership in the church.

<sup>102</sup> *RS/ACS*, i, 260-76, 194-205, 311-13.

excommunication cases involved a process of three public summonses, numerous attempts at private counselling and ample opportunity for delays and reconciliation before a sentence of excommunication was issued by the minister under the charge of the session. The whole congregation was involved in the long public preparation for the excommunications and in the final sentence. At each stage congregational assent to the session's action was sought. Each member of the congregation was given the opportunity to object to the act of excommunication. None accepted. Their silence was a mark of the "plane consent of the holl congregacione to the execucione of the excommunicacione".<sup>103</sup>

Although the superintendent's court was involved in each of these local excommunications this was more by accident than design. The fact that these cases were discussed on many occasions over the weeks and months rendered it inevitable that they would, on occasion, be discussed on days when the St Andrews' session met as the superintendent's court in light of its other business that day. However, in each case it was the minister, elders and deacons of St Andrews' session, as the "watchmen" over Christ's flock, who actually executed the excommunications.<sup>104</sup>

### Conclusion

This brief study has shown how the care by one superintendent was effected through his synod and superintendent's court. In the decade following John Winram's appointment as superintendent of Fife the infrastructure necessary for the oversight of his province was established. The synod was a large body which, in theory, drew its membership from every church in Winram's province. This representative nature was the synod's greatest strength and made it the appropriate body to regulate the affairs of the province. Practices and procedures approved by the synod could be deemed to have the assent of the majority of the province. With the synod's mandate and with the

<sup>103</sup> *Ibid.*, 202, 203, 267, 275.

<sup>104</sup> Not until August 1573 were ministers prevented from excommunicating without the express "assent" of their bishop, superintendent or commissioner. *BUK*, i, 284.

judicial authority of his superintendent's court Winram was able to exercise oversight of his province.

John Winram was fortunate in having the kirk session of St Andrews as his superintendent's court. Strong support for the reformation from all the major sections of the city, from the burgh government, the university and the Augustinian priory, had provided the session with the support of both the civil and the ecclesiastical authorities in its early endeavours, so allowing the session a valuable 'settling-in' period.<sup>105</sup> The superintendent's court has rightly been described as "a reconstituted kirk session with an enlarged jurisdiction".<sup>106</sup> Its duties were no different from those that, as a session, it had discharged prior to Winram's admission as superintendent. The relative stability in the membership of the kirk session ensured that as office bearers in the superintendent's court they were competent in and familiar with its practices and procedures, adding to the court's effectiveness.

During the turbulent decade or so following the reformation an effective and interlinked system of superintendence served the church in Fife well. However some people were not impressed by Winram's personal oversight of Fife. The same could be said of John Winram himself who despite the assistance given by his synod and superintendent's court felt overburdened by his superintendency. Worn by age, "evil payment" of his stipend and the great number of churches under his care, he confessed his inability to discharge his office and petitioned the General Assembly to release him from the task.<sup>107</sup>

Winram's personal assessment of his lack of abilities was reinforced each time he was tried before the Assembly. Regular trials of all office bearers in the church had been introduced in June 1562.<sup>108</sup>

<sup>105</sup> Dawson, "The Face of Ane Perfyt Reformed Kirk' . . .", 427-30.

<sup>106</sup> Kirk, *Patterns of Reform*, 342.

<sup>107</sup> BUK, i, 53, 77, 239. John Winram was not alone in making such request. Every superintendent except John Carswell, together with numerous commissioners to plant kirks, made similar requests. *Ibid.*, 39, 65, 92, 120, 129, 150, 183, 190, 205-206.

<sup>108</sup> *Ibid.*, 14.

This examination procedure was later enshrined as the second order of business at each Assembly following the choosing of the new moderator.<sup>109</sup> Each superintendent in turn was removed from the Assembly and all ministers and commissioners of his province who were in attendance were requested that

if they or any of them had any thing to lay to his charge touching his manners, conversation, doctrine, and execution of his office, that they would declare it.<sup>110</sup>

The ministers and commissioners of Fife were especially diligent in bringing charges against their superintendent and even succeeded in securing a special hearing in Cupar for the sole purpose of hearing the complaints of the ministers, elders and deacons of churches under John Winram's care.<sup>111</sup> The charges brought against John Winram were not that he failed to carry out his duties but that they were not carried out to a satisfactory standard. He was, for example, accused of being slack in visiting, pursuing crimes and securing the reparation of church buildings. He was also accused of failing to preach.<sup>112</sup>

Notwithstanding the complaints against him and his own desire to demit his office the General Assembly never permitted John Winram, or any other superintendent, to leave office and enter a parish ministry. The Assembly recognised that a superintendent serving a province was of greater benefit than an ex-superintendent serving a parish: "the profit of many kirks was to be preferred to the profit of one particular".<sup>113</sup>

<sup>109</sup> *Ibid.*, 157.

<sup>110</sup> *Ibid.*, 25. Not all details of these trials are recorded. Sometimes the minutes state only that "superintendents are tried". Moreover, the minutes rarely supply the superintendents' answers to the charges laid against them.

<sup>111</sup> *Ibid.*, 113. This hearing took place in January 1567/8 following the prolonged suspension, and immediately preceding the resumption, of activities in both the St Andrews' kirk session and Winram's superintendent's court. Although many of the accusations against Winram are recorded the final outcome of this local hearing is not. It is therefore possible that Winram was cleared of the charges. *Ibid.*, 123.

<sup>112</sup> *Ibid.*, 25, 39, 53, 65, 112, 123, 144, 175, 237.

<sup>113</sup> *Ibid.*, 18, spoken by the General Assembly in response to the request of the parishioners of Calder that their parish minister, John Spottiswood, be released from his superintendency of Lothian to return to his parish.

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John Winram may not have been discharging his duty of care entirely to the satisfaction of all in his province, yet the General Assembly considered him to be irreplaceable, thereby tacitly supporting the view of St Andrews' kirk session that without the care of superintendents the church would not be successfully established and sustained.

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